

Monopoly Games Newspapers Play ■ Independent Producers vs. the Networks

# COLUMBIA JOURNALISM REVIEW

MAY / JUNE 1980 • \$2.50  
NATIONAL MEDIA MONITOR • PRESS / RADIO / TV

# WAR ON THE PRESS

An Argentine  
survivor's  
personal  
account

by Jacobo  
Timerman



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The thought is by Elbert Hubbard. The interpretation is by Corita Kent of Immaculate Heart College.

In the eighties,  
we face unprecedented problems.  
The survival of society, even mankind,  
depends on our willingness to seek  
new solutions.

Only by trying  
can we hope to solve  
the perplexing problems of our time.

In a complicated world, complex issues  
can't be answered with  
trite and tired solutions.

The conflicts between  
collective security and individual freedom,  
progress and tradition,  
the governed and those who govern;  
these and other issues demand  
innovative thinking.

The need to try applies to broadcasting, too.

As the shape, form and variety of  
entertainment and news media change,  
the challenges to television and radio  
are obvious.

Only by trying  
can broadcasters make  
the future of the electronic media  
greater than the past.

Old solutions won't work in new times.  
Dare we try, then, new ideas?  
Indeed, dare we *not* try?



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There is no failure  
except  
in no longer trying

Elbert Hubbard

Griffith

# Texaco announces a way to make gasoline go further. Corn.



## Alcohol made from corn and other renewable crops could be a way to stretch our supply of gasoline.

When you pull into a Texaco station in some states, you may see a gasoline pump you don't recognize, a pump that says "Texaco Lead-free Gasohol."

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So while we're looking for other alternative sources of energy, we'll continue to use gasohol as a way to make our current supply of gasoline go further.



We're working to keep your trust.

Look for Texaco Lead-free Gasohol at many Texaco stations in the following states: Connecticut, Indiana, Kentucky, Maryland, Massachusetts, Missouri, New York, Oklahoma, Pennsylvania, Virginia, Wisconsin, and Washington, D.C.

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• To assess the performance of journalism in all its forms, to call attention to its shortcomings and strengths, and to help define — or redefine — standards of honest, responsible service . . . to help stimulate continuing improvement in the profession and to speak out for what is right, fair, and decent.

—Excerpt from the *Review's* founding editorial, Autumn 1961

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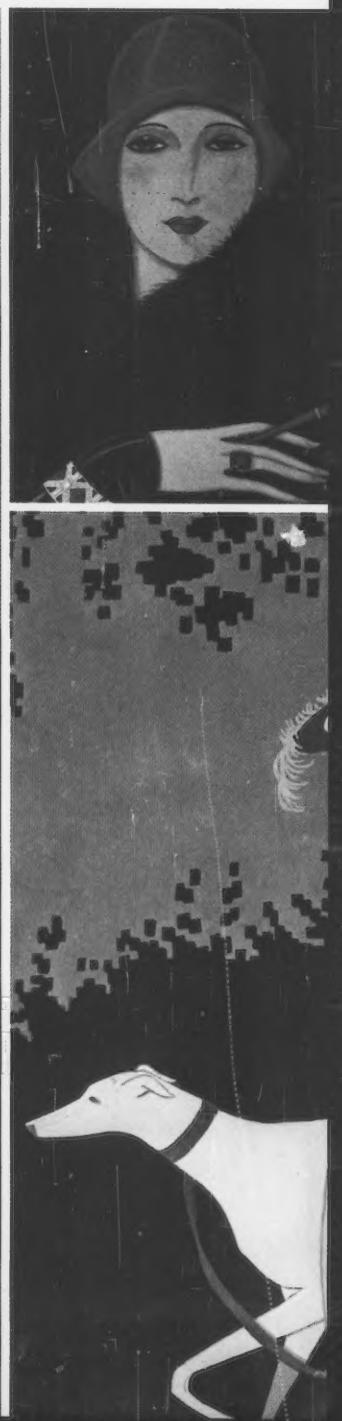
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**Columbia Journalism Review** (ISSN 0010-194X) is published bimonthly under the auspices of the faculty, alumni, and friends of the Graduate School of Journalism, Columbia University. Volume XIX, Number 1, May/June 1980. Copyright © 1980 Graduate School of Journalism Columbia University. Subscription rates: \$14 a year; \$17 for foreign subscriptions. Please address all subscription mail to: Columbia Journalism Review, Subscription Service Dept. 200 Alton Place, Marion, Ohio 43302. Editorial office: 700 Journalism Building, Columbia University, New York, N.Y. 10027 (212) 280-5595. Unsolicited manuscripts are welcomed and will be read by the editors, but they cannot be returned unless accompanied by a stamped, self-addressed envelope. Business office: 700A Journalism Building, Columbia University, New York, N.Y. 10027 (212) 280-2716. Second-class postage paid at New York, N.Y. and at an additional mailing office. No claims for back copies honored after one year. National newsstand distribution: Eastern News Distributors, Inc., 111 Eighth Avenue, New York, N.Y. 10011.

Postmaster: send Form 3579 to Columbia Journalism Review, 200 Alton Place, Marion, Ohio 43302.

# Sometimes sty



# le is everything.



Meet Gordon Conway, a self-taught fashion designer from the still raw "cowtowns" of turn-of-the-century Texas and the "finishing schools" of Lausanne and Rome. She was, for the brief period that America's adolescence flamed brightly in the Twenties, the very symbol and essence of its style.

She liked to pose as never having had a lesson in her life, and in truth, she had very few. It was the freshness of her instinct, not the conventions of the schools, that delighted and charmed her audience. In New York, London and Paris, she drew effortlessly—with fashions and designs for Parisian plays, London films and American magazines rolling smoothly off the tips of her elegant quill pens in her lavender boudoir. She borrowed techniques, mannerisms, nearly everything, but not her style. It was, as you can see, fresh, insouciant, feigning fashionable boredom but secretly delighted with itself. She was, in a word, us, in our youth.

That's one reason we sponsored this exhibition, and why we invite you to see it at the times and places listed below. In our business, as in yours, it helps to be reminded that natural verve and flair are always to be treasured, and that sometimes style—straight-forward, vivacious and direct—is everything. It helps to be reminded, too, that individual imagination, individual creativity, individual innovativeness are still the basics of any business. Sponsorship of the arts that reminds us of these things is not patronage. It's a business and human necessity.

If your company would like to know more about corporate sponsorship of art, write George Weissman, Chairman of the Board, Philip Morris Incorporated, 100 Park Avenue, New York, N.Y. 10017.

## Philip Morris Incorporated

It takes art to make a company great.

Makers of Marlboro, Benson & Hedges 100's, Merit, Parliament Lights, Virginia Slims and Cambridge; Miller High Life Beer, Lite Beer and Löwenbräu Special and Dark Special Beer; 7 UP and Diet 7 UP.

"That Red Head Gal": Fashions and Designs of Gordon Conway, 1916-1936, organized by the American Institute of Architects Foundation, Washington, DC. It appears at the Octagon, Washington, DC from May 16 to July 20, 1980; Dallas Historical Society, Dallas, TX from August 8 to September 28, 1980; Chicago Historical Society, Chicago, IL from October 16, 1980 to February 8, 1981; Los Angeles County Museum of Art, Los Angeles, CA from March 12 to June 28, 1981. The exhibition is made possible by a grant from Philip Morris Incorporated on behalf of Virginia Slims.

YELLOW MO  
yc Antiques



# "SURE I CAN GET IT ALL IN. I GOT IT ALL OUT!"

into a 1980 Volkswagen Rabbit before it came back out again. Because although the outside is definitely all Rabbit, superbly snug-looking and stylishly compact, the inside is all Volkswagen.

And you know what that means.

It means that thanks to a fold-down rear-seat, a Rabbit can be terrifically useful whenever you're thinking of transporting things.

Even surprisingly large things.

Like a steamer trunk.

Not to mention your favorite bric-a-brac or knick-a-knack.

But just in case you prefer chauffeuring people to things, we've got some good news in that department, too.

Skeptical?  
You needn't  
be, you know.

All the assorted  
paraphernalia  
that you see in the  
picture above  
really did get

Because, you see, the Rabbit's  
got ample room to fit four of them  
comfortably.

And of course, every Rabbit  
comes replete with front-wheel  
drive, and the kind of exceptional  
road-handling that just might spoil  
you for other cars.

So think about packing you  
and yours into a 1980 Rabbit.

And remember, when you do,  
you won't just have a Volkswagen  
Rabbit.

If you so desire, you'll have a  
stuffed Rabbit.

## VOLKSWAGEN DOES IT AGAIN



# CHRONICLE

## Turning the tables on *60 Minutes*

The image of the ticking stopwatch that flashes on the tube is familiar, but the title—*60 Minutes/Our Reply*—is not. And the narrator who then appears is not Reasoner, Safer, Wallace, or Rather, but Howard Rowe. Howard who?

Rowe is a public relations employee of the Illinois Power Company in Decatur, Illinois. He asks, in vintage *60 Minutes* style, "What happens when a major TV network comes to town to do a news feature on the power company? Plenty! And not much of it's very pleasant, as we learned when Illinois Power became the target on . . . *60 Minutes*."

What follows is a program about a program, made possible by the fact that while *60 Minutes* was filming Illinois Power, the company was itself videotaping *60 Minutes*. The skillfully-edited, forty-two-minute tape, which mimics the distinctive pacing and style of *60 Minutes*, includes the entire sixteen-minute piece aired by CBS on November 25, 1979, but interrupts it at a dozen or so points to insert additional footage and comment in an effort, as Rowe explains, "to expand on those areas that *60 Minutes* either edited out, presented incorrectly, or chose to ignore." The added material includes takes from Harry Reasoner's taped forty-minute interview of an Illinois Power executive, of which CBS used less than three minutes.

The original *60 Minutes* program, "Who Pays? You Do," examined Illinois Power's request to the Illinois Commerce Commission for a 14 percent rate increase at a time when the utility (which supplies electricity across about one-third the state) was sustaining heavy cost overruns in building its first nuclear power plant at Clinton, Illinois. The CBS broadcast, produced by Paul Loewenwarter, a *60 Minutes* producer since 1969, claimed the overruns were due to the company's inexperience in nuclear construction, and, possibly, to the mismanagement resulting from it. (The company's own cost estimate rose to \$1.38 billion last March, three times the original 1973 projection; critics of the

utility foresee a final cost of over \$2 billion and a two-year delay in the construction schedule.)

The effect of the *60 Minutes* report was immediate and tangible: the day after the broadcast the price of Illinois Power's stock dropped a point. The company's reaction was just as swift. Within a week of the broadcast, Rowe and public affairs manager Harold Deakins produced the video rebuttal to what they saw as CBS's numerous inaccuracies and misrepresentations and its use of unreliable witnesses.

It is the sort of project that has not been done before, a snappy response that even producer Loewenwarter describes as highly "sophisticated" for a company that at first seemed to him to be a "down-home, cracker-barrel" outfit.

Though originally planned for the "edification" of Illinois Power employees and their families, Deakins says some 500 prints of *60 Minutes/Our Reply* are now in circulation around the country, being screened by Kiwanis and Rotary Clubs and other local organizations. Not surprisingly, showings of the program

have been enthusiastically sponsored by other utilities, corporations, and trade associations. The Media Institute, a Washington-based media watchdog funded largely by over 100 large companies and several foundations, has shown the program to members of Congress and their staffs, whose reaction was "emotional" and "excited," according to the institute's deputy director, Frank Skrobiszewski. "They were devastated by it," he says. The institute has also sent prints to numerous journalism schools.

The wide and growing distribution of Illinois Power's presentation has surprised CBS. Don Hewitt, executive producer of *60 Minutes*, says "We went in as a disinterested party and did a news report. They made a propaganda film for their side, using our reporting for their own purposes." Loewenwarter adds that, aside from two minor factual corrections aired about two months after the original broadcast, *60 Minutes* stands by its account of the company's cost overruns.

The lengthy and often highly technical exchanges between the network and the utility constitute a minefield one should

Confronting CBS: Illinois Power's Howard Rowe as inquisitor



# LEAD IS BEAUTIFUL

IN MORE WAYS THAN ONE

This photomicrograph of lead has an abstract artistic beauty. Lead also has a functional "beauty" that is not abstract but vitally realistic.

Lead is an essential ingredient in the batteries that start most of the world's cars, trucks, buses, ambulances, planes, boats, farm machinery, construction and materials handling equipment, every day. And now, our energy crisis is increasing demand for production of more, completely battery-powered electric vehicles.

Another way to reduce our energy problem is through the use of multiple battery banks now being studied as a means of load-leveling to maximize electrical utility efficiency.

We all need lead to get us going today . . . and keep us going tomorrow.

If you would like to know more about lead's essential contribution to our lives today and in the future, write for our free booklets.

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enter cautiously, if at all. Some of the points in dispute appear to be a matter of semantics or interpretation. For example, in explaining its claim that Illinois Power was ill-prepared to build a nuclear power plant, CBS described the Clinton facility as "the first nuclear project" undertaken by its general contractor, Baldwin Associates. Illinois Power counters in its tape that two of the four companies making up Baldwin had previously worked on fourteen nuclear projects. "We question the journalistic ethics of CBS using such a totally misleading statement on the grounds that it is technically correct," the company wrote in a lengthy rebuttal to CBS.

But some of the utility's complaints are more serious. For example, Illinois Power challenges the credibility of three former employees who were interviewed on the *60 Minutes* program. According to the company, two of them had been fired for not performing their jobs satisfactorily and the third had quit when denied a large enough pay raise.

In response, Robert Chandler, CBS vice president for public affairs broadcasts, wrote Illinois Power that *60 Minutes* had not based its programs solely on interviews it filmed. It had also examined documents in the files of the Illinois Commerce Commission and the Nuclear Regulatory Commission, and had conducted many off-camera interviews.

Among the more pressing questions raised in the *60 Minutes* report were whether Illinois Power was regularly filing certain mandatory written reports on costs and construction progress at the Clinton plant, and whether the company had allowed enough time for required safety tests. On the program, Reasoner displayed a company-drafted chart that he said had budgeted far less time to complete certain critical tests than had been required by more experienced contractors. In its rebuttal, Illinois Power claimed that *60 Minutes* had not only misinterpreted the complex chart, but had cut out of Reasoner's interview with Bill Gerstner, the company's executive vice president, Gerstner's assertion that the utility's schedule did in fact conform to normal planning standards. His explanation was incorporated into *Our Reply* to correct what Deakins still calls "the most damaging mistake by CBS."

The spirited point and counterpoint between CBS and Illinois Power has little prospect of immediate resolution. Each side, for example, claimed to have been vindicated by a ruling of the Illinois

Commerce Commission, issued three days after the CBS broadcast, awarding the utility \$97 million of the \$240 million in construction costs it had asked to have included in its rate base. Meanwhile, Illinois Power is getting its side aired. Referring to the number of households that watched the November broadcast, Harold Deakins says, "We may not get all twenty-four million, but we're taking a cut at it."

Will other targets of *60 Minutes* also try to "take a cut" at the program with video replies? If they do, CBS may have to choose between conducting certain in-

terviews in front of a "hostile" camera or not conducting them at all. Executive producer Hewitt says CBS might not object to subjects taping their encounters with CBS, as long as doing so "doesn't interfere" with the technical quality of the interview. But, he adds, "We're not prepared to make any blanket statement as to what we might do if asked. It's something we'll have to look at in the future."

*Kenneth K. Goldstein*

*Kenneth K. Goldstein* is an associate professor of journalism at Columbia University.

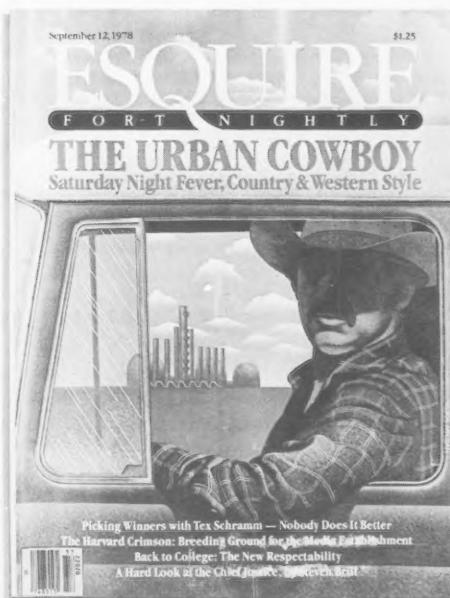
## From mags to riches

*Saturday Night Fever* was inspired by an article in *New York* magazine. A 1977 *Playboy* article, "Goodnight, Sweet Prinze," about the life and death of comedian Freddie Prinze, was turned into a CBS television movie last year. "The Urban Cowboy," a September 1978 *Esquire* cover story, will turn up this summer as a movie starring John Travolta.

A new industry is sprouting in Hollywood: from magazines to screen. Spurred by the success of *Saturday Night Fever*—Paramount Picture's third-largest grossing film ever—movie and TV production companies are turning increasingly to magazine nonfiction as an untapped lode of story ideas. And magazine

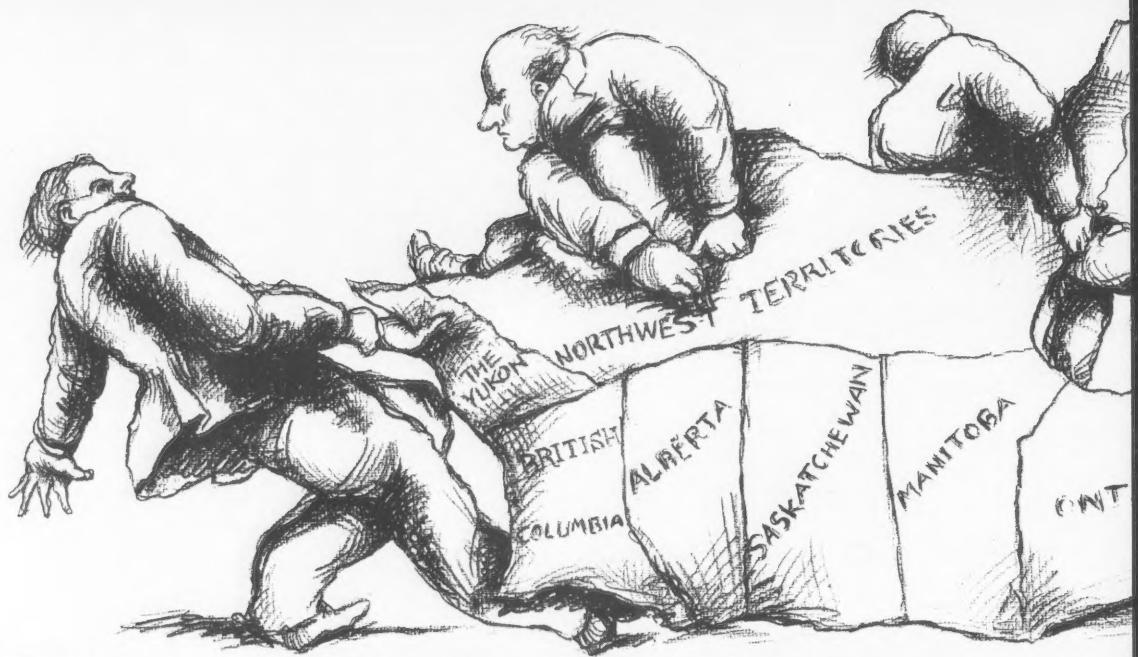
contributors, a traditionally deprived lot, are reaping rewards of \$20,000 or more. To date, *New York* and *New West* have been the chief sources of scripts, but, as the search expands, other feature magazines are now getting a piece of the action.

Last summer, best-selling author Tommy Thompson (*Blood and Money*) read a *Texas Monthly* cover story, "The Throwdown," about a father's search for the truth behind the police shooting of his seventeen-year-old son. Impressed, he called Tom Curtis, the author of the piece, and then Roslyn Heller, a Hollywood producer. Heller is now drawing up a production plan for "The Throwdown."



*Cover boy: Esquire meets John Travolta in Hollywood. A good match for magazines?*





# What is really happening to

**"For the security of North America in the rest of this century, it may be that nothing is more important than the unity of Canada."**

—James Reston, the *New York Times*

**I**t is a cause of genuine wonder abroad that, even in the brief afterglow of the Tehran "embassy caper" and the return to office of Prime Minister Trudeau, Canadians should appear to have lost their bearings. *Canadians*, of all people—so blessed with natural treasure and political freedom.

But a rush of change has placed Canada and its federal system under serious strain. The danger is that, as Canadians pursue their *local* interests and identities, they find themselves on a collision course with others.

John Hirsch came to Canada from Hungary in 1974. "In Quebec now," Hirsch has said, "I am regarded as an Anglo-Saxon. In Toronto, I'm looked upon as a westerner in spite of my Hungarian accent—I am expected to ride on the back of a buffalo. When I go to Edmonton, I am called an easterner.

I don't know where the hell I fit in as a Canadian," Hirsch concluded that there are "two ways to cope with it as a human being—to run away, or to stretch one's self."

To stretch one's self...that is the challenge for Canadians now.

## What does Quebec want?

This question has resounded through Canadian life for two exasperating decades, until the English became as sick of asking it as the French were of answering it. In 1976, French-speaking Quebec elected a premier who for the first time seemed willing to answer that question. To answer it, for that matter, in a one-syllable word.

What does Quebec want? Quebec, declared Premier René Lévesque, wants "out"—of Canada. But what many urban and rural Quebecers share, and have shared for several centuries, is not a desire to get "out" of Canada, but an enduring *ambivalence* about it. They have considered themselves good Quebecers and good Canadians, and have

rejected the advice of anyone who tells them they cannot be both.

No aspect of the survival of more than five million French-speaking Quebecers as a distinct society in North America has been more clouded by misunderstanding than the question of language. Outside Quebec, many English-speaking Canadians seldom hear a language spoken other than their own. They ask, even at this late date, why anyone living in North America would insist on speaking anything but English—and why is the Quebecer's language so important anyway?

It certainly was true that immigrants arriving in English-speaking Canada could find their situations mirrored in American novelist James Baldwin's remark about class-conscious Britain: "To open your mouth in England is to have confessed your parents, your youth, your school, your salary, your self-esteem and—your future." Baldwin's remark applies—alas—to what it has meant to speak French in Canada through most of Canadian history.



# our good friends in Canada?

Then came the revolution: the not-so-Quiet Revolution that shook Quebec to its foundations in the 1960's, and is still shaking up old power relationships and old ways of doing things in Quebec and in Canada as a whole.

All of this is a breathtaking change from the Quebec of just two decades ago, when frustrated students used to chant: *"La belle province* how charming; come and see the peasants starving."

But other ethnic groups also feel ignored. Their spokesmen have protested fiercely against "special privileges" for French-Canadians. In truth, there has never been a "typical" experience shared by all immigrants to Canada.

Canadians have been hearing talk of renewing the country on sounder foundations for almost as long as they can remember. Now the issues go far beyond Quebec. One serious complaint is that national policies of a century ago do not reckon with a more

mature western region. Today's western Canada is no one's hinterland any longer. It is the home of nearly one Canadian out of three, and flourishing with creativity in business, government and the arts.

## What are the noblest words in the literature of democracy?

They may well be the three simple words that begin the U.S. Constitution—"We, the People." But how long has it been since the people of Canada spoke those words together? These days, Canadians too often psyche themselves into a state of mind where, instead of "We, the People," there is only a "we" and a "they."

We English-Canadians speak "the language of business, the language of North America"; they do not. We French-Canadians have our own profoundly original culture and identity, as well as our special privileges as a "founding race"; they do not. We in

central Canada own "our" industries, and we in the western provinces own "our" resources—and they better not get in our way.

Living in a pluralistic federal Canada has its difficulties. Canadians can of course choose to live apart, particularly the English and French language groups—each large and powerful enough to break up the country.

There is a more promising choice. A country's political framework and values are not something to be knocked down this Monday and built anew by next Friday. They are more like a garden, to be nurtured in harmony with the landscape. The Canadian landscape began to shift two decades ago, and the season has come to change.

It should begin with recognition that the existence of two great language communities and many regional and cultural differences—which we often insist are problems that cripple Canadians—are in fact opportunities that can enrich and free us. For "they," in the end, is all of us.



From a special report on Canada being published as a public service by The Seagram Company Ltd. This full-color, 36-page report is appearing in English and French in more than one million copies of Canadian magazines. Reprints in either language are available in the United States at no charge by writing to Report, Joseph E. Seagram & Sons, Inc., 375 Park Avenue, New York, N.Y. 10022.

A report on the great American forest.

# Look what happens when Mother Nature gets a little help.

These log slices dramatically show the value of modern, scientific forest management. Both (shown 36% of actual size) are from trees of about the same age. The smaller one grew in an unmanaged, overcrowded stand where it had to compete for sunlight and moisture. The other is from a grove that was thinned to give the best trees room to thrive.

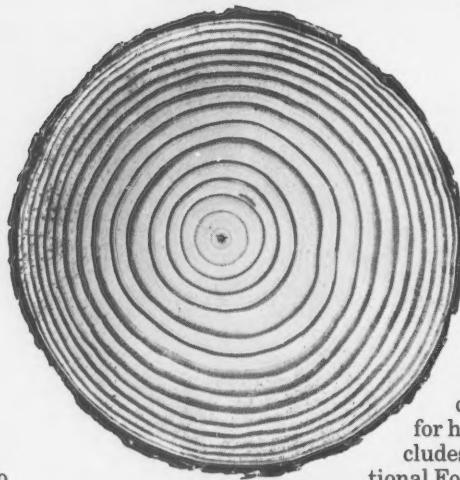
This is just one of many ways forest management can help meet a predicted doubling of domestic demand for wood and paper products in the next 50 years.

The forest industry has learned how to help Mother Nature grow more trees, faster, by applying scientific forest management techniques: encouraging natural regrowth, planting superior seeds and seedlings, fertilizing, protecting against disease and insects, thinning, watching carefully until time to harvest — then starting the cycle again.

## Demand keeps rising.

Forest management like this is vital because every year Americans need more homes, more paper products, more packaging and containers, more fuel-wood, more of the thousands of other essential products that only the forest can provide.

So far, the country's commercial forest has been able to keep up with demand. (*Commercial forest*, as defined by the U.S. Forest Service, is all forestland—whether owned by individuals, government or the



industry—that is capable of, and potentially available for, growing repeated crops of trees for harvest. It includes land in National Forests but not in National Parks or Wilderness areas.)

But trees aren't grown equally fast by all commercial forest owners. Though industry has made striking advances on its lands, productivity is lower on privately owned lands and seriously lagging in National Forests.

## Productivity not up to potential.

Overall, the U.S. Forest Service estimates average productivity of all commercial forestland is only 61 percent of potential. And at the same time, actual acreage in commercial forests keeps shrinking, as land is withdrawn for homes, highways and other needs of an expanding population.

So we as a nation still have a long way to go if our wood and paper products are not to become scarce and expensive.

If you'd like to be better informed on how important it is to keep America's forests productive, write American Forest Institute, P.O. Box 873, Springfield, VA 22150 for a free booklet, "The Great American Forest."

The great American forest. Trees for tomorrow. And tomorrow. And all the tomorrows after that.



**Trees. America's renewable resource.**

for CBS. Should the film finally go into production, Curtis will earn almost fifteen times more than what he was paid by *Texas Monthly*.

Impressed by the value of such articles as "The Throwdown," *Texas Monthly* has amended its writers' contracts to cut itself in on the profits from the screen sales of its articles. It has also signed up a Los Angeles agency to peddle its stories to screen companies. Some magazine writers have hired their own agents to approach production companies. Freelance writer Nik Cohn, who wrote the article on which *Saturday Night Fever* was based, has gone a step farther, forming his own production unit, Big Films, Inc., which will shoot a film based on his recent *New York* article about a drag-racer in the streets of Queens.

Not that all is glitter. For every success story, there are perhaps ten magazine writers in touch with producers who have found the Hollywood dream elusive. From the time Los Angeles freelance writer Sharon Boorstin, for example, conceived her piece for *New West* about a Catholic girls school that invited boys from a local probation camp to its dances, she considered movie possibilities. Even before the story was published, Boorstin approached Warner Bros. with the manuscript and sold it the film rights.

Now, almost two years later, "Something's Coming, Something Good," still isn't a movie.

A writer can come up empty-handed even if his story makes it to feature form, since, in many cases, the individuals portrayed in magazine articles are the chief beneficiaries of Hollywood's largesse. Grover Lewis, a contributing editor to *New West*, found that out last year. His July 1979 cover story about a female private detective in San Francisco attracted immediate studio interest, but some production companies made their initial contact with the detective rather than with Lewis, who discovered he had absolutely no legal rights. "I know I don't own the rights to that lady's life, but I felt cheated, frankly," he says.

If some writers are embittered, producers, ever on the lookout for fresh story ideas, are eager to cement their relations with magazines. "There is just such a poverty of imagination in Hollywood," says Peter Greenberg, who wrote the *Playboy* profile of Freddie Prinze that became a movie on CBS (which Greenberg himself produced). "They don't wait for the book galleys any more. They're running down to their newsstands and picking up every magazine they can find." At the same time, he adds, "Magazine journalists are aware of

what's happening and succumbing to the temptation."

Are magazines going Hollywood? Does Tom Curtis, for instance, now write with one eye on the screen? "Sure, it's in my head now," he says. "I don't limit what I do, but it certainly occurs to me there is that potential." The awareness of Hollywood interest, he notes, "certainly could change the nature of magazine writing"—a change he claims would be healthy. "Freelancers don't make much. If I can make twenty thousand dollars a year, I'm doing exceptionally well. So I'm going to be very careful about what rights I sell to a magazine."

Some fear that the lure of big money will lead journalists astray. "I wouldn't do a story just to get on the tube," says *New West's* Grover Lewis, "but that's a minority opinion at *New West*."

Jonathan Kirsch, a former *New West* senior editor who is now a *Newsweek* correspondent, agrees. "Many writers at *New West*," he says, "now test everything they write by 'Would this make a movie?' And if it won't, they won't write it. It has really changed the nature of magazine writing."

*Katharine Macdonald*

*Katharine Macdonald* works for The Washington Post in Los Angeles.

## Union monitors static in labor's TV image

"Who is making money? The television industry. And what is the product? You are."

So, at any rate, proclaims a training manual distributed to several thousand members of the International Association of Machinists and Aerospace Workers (IAM) participating in a project to monitor television programs for bias against workers and unions. The \$100,000 project, prepared by William M. Young & Associates, the consulting firm that planned the national PTA drive against TV violence four years ago, is probably the most ambitious attempt ever to organize working people to look at television critically. If the findings, to be released in stages beginning in June, indict TV for its portrayal of workers, the 900,000-member union plans to put pressure on wayward TV stations, possibly through complaints to the FCC at license renewal time.

Last fall the union enlisted about fifty machinists in 117 TV markets around

the country. After attending training sessions, the participating unionists and their families spent one night each week in February watching a particular network's fare and filling out monitoring forms. For entertainment shows, the forms asked viewers to check "labor" and "non-labor" characters for twenty-two specific traits—for instance, "brave," "friendly," "clean," "attractive," "competent," "serious," or "uses drugs." For news and documentaries, monitors were asked whether national issues such as inflation, energy, and health were discussed seriously and whether the position presented on each was "corporate," "IAM," or "mixed/other."

Inevitably, the project's effectiveness and scope have varied from place to place. In Hartford, Connecticut, for example, it involved fifty monitors, almost all of them union shop stewards. Some, like Linda Buchanan, a steward at Pratt and Whitney Aircraft's large East Hartford plant, weren't surprised by what

they saw. "I knew pretty much what I was going to find," she says. "First, that workers wouldn't appear very much at all. And second, that when we did appear it would be mostly in uncomplimentary ways." Other monitors were surprised, and some say the experience has permanently changed the way they look at television, in terms of its treatment of labor and of public affairs generally.

"I never studied television news in depth before, but a little education goes a long way," says Conrad Lloyd, another steward at Pratt and Whitney. "Now I don't even believe [the news]." Hartford steward Jack Chipman says, "If there's a strike, they always show you violence. When we're on strike it's not a pleasant thing, but it isn't that bad; we don't go around shooting each other." He found coverage of the presidential campaign unbalanced, too, noting that TV news seemed particularly hostile to Senator Kennedy.

Chipman was also critical of entertain-

ment shows, citing an episode of CBS's *The Incredible Hulk* in which the evil director of a government-supported orphanage, romantically linked to a rich wheeler-dealer, trains her wards to steal. "Two stupid, abusive garbage men grabbed the kids and yelled, 'You stupid, thieving kids,' and the Hulk had to protect them," Chipman recalls. "Garbage men are just regular guys. Who would ever think a garbage man would do a terrible thing like that? It portrayed them as really bad people, and, at the same time, it was showing that you can't trust the local welfare government."

In addition to raising members' consciousness about the media, the IAM hopes to influence station programming decisions. In Hartford, for instance, union officials recently met with the management of WFSB, a CBS affiliate owned by The Washington Post Co., to

discuss the TV project and its preliminary findings. Both sides say the meeting was friendly, but station news director Dick Ahles bristles at the claim of IAM district organizer Lou Kiefer, supervisor of the project in Hartford, that stations "are more concerned that Governor Grasso found a dog on her doorstep than that her legislators don't care about the working poor." Serious issues already get more than adequate coverage, Ahles insists, and "if they're saying we should not cover the things on the reverse side of the sheet"—such as human-interest stories—"we certainly don't buy that."

Some IAM concerns about TV coverage—for example, union president William Winpisinger's complaint in the training manual that "we rarely see [TV crews] during our blood drives; we always see them at a strike"—seem indistinguishable from other groups' wishes

that stations pay more attention to their specific interests. Businessmen as well as workers often claim that entertainment programs don't present them fairly. But business groups often have more access to means of redress than does organized labor. For instance, the Public Broadcasting System, where corporation-sponsored public affairs programs abound, recently refused to accept union financing for a series on American labor history. One hundred thousand dollars may be a lot for the IAM project, whose impact on TV programming will probably be hard to measure, but if the Hartford stewards are a fair sample, it may also affect viewers—and that could be more lasting.

Seth Kupferberg

*Seth Kupferberg is an attorney for the International Ladies' Garment Workers' Union who has also written on labor.*

## Time curdles the coconut milk

The frail, tourist-based economy of the U.S. Virgin Islands, like that of other Caribbean islands, has long been vulnerable to American press coverage of local violence. So, when a February 18 *Time* magazine article on the West Indies mentioned "mindless racial killing" on St. Croix, island officials reacted sharply, cancelling one promotional ad scheduled for the magazine and banning any future advertising there.

Island officials feared that *Time* writer Michael Demarest's description, published three weeks after the murder of four white island residents in January, would scare away tourists. Still fresh in their minds was the sensational coverage

the press had given the Fountain Valley Golf Course murders in 1972, when eight islanders, seven of them whites, were killed. In the two years following that incident, which most news accounts portrayed as racially motivated, the number of visitors to the island dropped sharply, sending the economy into a tailspin.

In his cancellation letter to *Time* managing editor Ray Cave, Virgin Island Commissioner of Commerce Amadeo Francis wrote that "from the tone of Mr. Demarest's piece, the impression lingers that genocide between the races on St. Croix is a commonplace occurrence." Charging Demarest with "appalling insensitivity," he added, "I would expect

this type of undocumented charge to be leveled by a scandal sheet that routinely disregards facts for the sake of sensationalism."

Demarest's travel article, "The Still Pristine Caribbean," asserts broadly that throughout the West Indies, "political, economic and social unrest are curdling the coconut milk." It suggests that tourists sample the "opalescent beaches" on some of the more out-of-the-way islands, which are "without racial tension or xenophobia." Most of the other islands, he writes, "have been developed by commercial neocolonialists," and the U.S. Virgin Islands "have mostly been deflowered by developers; St. Croix has seen mindless racial killing."

Demarest defended his story in a three-page memo to editor Cave: "On St. Thomas, white residents and visitors are afraid to go out at night. A friend of mine packs a gun. Another friend—a woman and long-time resident—quit the island because of the threat of violence. The 1972 killings on St. Croix were documented as racially motivated." But island police officials found that the 1972 murders—one of whose victims was black—were not racially motivated. And, as to the recent killings, says a police spokesman, racial motives have been "almost unequivocally ruled out"—a point Demarest seems to acknowledge in his memo's description of the murders as "probably drug-connected."

G.R.



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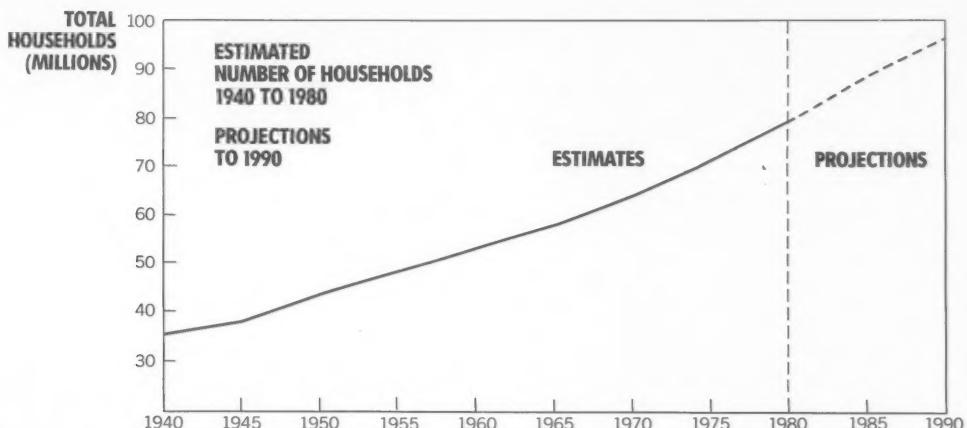
This has happened off and on for the last 15 years. Yet millions of families found their mortgage money. More than a trillion dollars worth of new mortgage loans have been made since 1965. One reason is that there is a huge secondary market for mortgages, a complex system of private businesses and government agencies which buys mortgages from the original lenders, thereby replenishing their supply of money. One part of that market is the Federal National Mortgage Association, or Fannie Mae, a shareholder-owned corporation working in the private sector.

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When funds from other sources dry up or are limited, Fannie Mae is still buying. Unlike banks and savings and loans, which usually must depend on funds from local depositors, Fannie Mae can tap capital markets worldwide. The money we borrow is then "recycled," used to purchase mortgages, replenishing the supply available for new loans.

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Knowing that Fannie Mae is always there has created a foundation of confidence for the housing industry, providing needed stability in what had been a boom-or-bust business. During 1979, for example, Fannie Mae purchased \$10.8 billion worth of mortgages, providing financing for more than 230,000 homes.



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# HOW TO SAVE YOUR LIFE AND THE ONE NEXT TO YOU

OVERCOMING YOUR PSYCHOLOGICAL RESISTANCE TO SEAT BELTS MAY BE THE KEY.

The facts are startling. Experts estimate that about half of all automobile occupant fatalities last year might have been avoided if the people had been wearing seat belts. That's because injuries occur when the car stops abruptly and the occupants are thrown against the car's interior. Belts reduce this risk.

Many people say they know the facts, but they still don't wear belts. Their reasons range all over the lot: seat belts are troublesome to put on, they are uncomfortable, or they wrinkle your clothes. Some people even think getting hurt or killed in a car accident is a question of fate; and therefore, seat belts don't matter.

If you're one of those people who don't use belts for one reason or another, please think carefully about your motivations. Are your objections to seat belts based on the facts or on rationalizations?

**Here are a few of the common rationalizations.** Many people say they are afraid of being trapped in a car by a seat belt. In fact, in the vast majority of cases,

seat belts protect passengers from severe injuries, allowing them to escape more quickly. Another popular rationalization: you'll be saved by being thrown clear of the car. Here again, research has proved that to be untrue—you are almost always safer inside the car.

Some people use seat belts for highway driving, but rationalize it's not worth the trouble to buckle up for short trips. The numbers tell a different story: 80% of all automobile accidents causing injury or death involve cars traveling under 40 miles per hour. And three quarters of all collisions happen less than 25 miles from the driver's home.

**When you're the driver, you have the psychological authority to convince all of the passengers that they should wear seat belts.** It has been shown that in a car, the driver is considered to be an authority figure. A simple reminder from you may help save someone's life. And please remember children can be severely injured in automobile accidents, too. Make sure Child Restraint Systems are used for children who aren't old enough to use regular seat belts.

Because so many people still don't use their seat belts,

the government has directed that some form of passive restraint—one that doesn't require any action by the occupant—be built into every car by the 1984 model year. GM is offering one such restraint—a new type of automatic belt—as an option on the 1980 Chevette to gain insight into its public acceptance.

By the 1982 model year, we must begin putting passive restraints in all full-size cars and, eventually, into the entire fleet. But until you purchase one of these cars of the future, you can protect yourself and others by using seat belts and urging your family and friends to follow your example.

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# AT ISSUE

## Another view on Iran and the press

by J.C. HUREWITZ

*Because of the forceful and controversial nature of Edward W. Said's article on the press and Iran (CJR, March/April), the Review thought another view on the same subject should be presented. Accordingly, it invited comments on the subject from a distinguished specialist on the area, J. C. Hurewitz, director of Columbia University's Middle East Institute.*

I agree with Professor Said's general judgment that coverage of the late fall and winter 1979-80 phase of the crisis in United States relations with Iran was flawed. But I arrive at my judgment on different grounds and with some reservations. And I must take issue with Said's treatment of the evidence he cites.

### *The MacNeil/Lehrer Report*

I most emphatically do not share Said's estimate of this program's Iran reports, which he describes as "unsatisfying at their best and mystifying at their worst." Said seems to have forgotten that MacNeil and Lehrer were the first in the fall of 1978 to invite to their program the Islamic revolutionaries as they approached the climax of their struggle to overthrow the shah. A year later they tried to deal with the hostage crisis in a way that would give insights not otherwise available to American viewers—insights coming directly from Iranians of many persuasions, as well as from American specialists on Iran. Said's indictment of the fall of 1979 *Reports* is hardly sustained by the evidence. Said writes:

The guest list was significant. Aside from five appearances by Iranians, and two by supporters of Third-World and antiwar causes, most of the other panelists on the score of shows devoted to the crisis were newspapermen, government officials, academic Middle East experts, individuals connected to corporate or quasi-governmental institutions, and Middle Easterners known for their essentially antagonistic positions on the Iranian revolution. The discussions resulting from this lineup usually placed everything the Iranians said and did out of moral bounds, since few guests could truly communicate the essentially "foreign" language of distant, oppressed peoples who until now had silently endured decades of American impingement on their lives.

My count and Said's do not tally, and a content analysis of the programs hardly supports Said's views.

If I take his "score" as meaning literally twenty programs, the period would stretch from November 5 through December 20, 1979. However, he also mentions elsewhere in the article two appearances (on December 28, 1979, and January 4, 1980) of American clergymen who had visited Teheran. On January 25, 1980, moreover, *The MacNeil/Lehrer Report* evaluated Iran's first presidential elections. Of the twenty-four shows aired between November 5, 1979, and January 25, 1980, nine included Iranians, among them then-Foreign Minister Abolhassan Bani-Sadr (November 23) and his successor, Sadegh Ghotbzadeh (November 29), each interviewed alone by satellite. In the seven other shows with Iranian panelists, republican Iran's ambassador to Washington appeared twice (November 5 and 9) and its permanent representative to the U.N. once (November 12). It could not be said, in these cases at least, that the Iranian position on the

Iranian revolution failed to receive an effective hearing. On four other programs, three scholars and one psychiatrist and poet—all of Iranian birth—engaged in informed speculation and analysis.

Meanwhile, in the remaining programs of our cluster, I discovered three other panelists of Middle East birth—I.F. Yusif (president of the American-Arab Association for Commerce and Industry), Fouad 'Ajami (a Lebanese-born Shi'i Muslim who is an associate professor of political science and director of the Middle East Center at the Johns Hopkins School of Advanced International Studies), and Eqbal Ahmad (a Pakistani-born Muslim who is a senior fellow at the Institute for Policy Studies, and a close personal friend of Said). Yusif opposed President Carter's policy of freezing Iranian assets and 'Ajami the president's proposed use of force, while Ahmad dwelt on the meaning of Muharram, especially for Shi'ah Islam. In addition, Professor Hamid Algar joined two Iranian-born political scientists and a political journalist of *The Washington Post* who had recently served in Iran, to analyze the likely outcome of the presidential election in Iran. (Algar is a British-born convert to Islam and professor of history at Berkeley, who is regarded as a leading authority on Shi'ah Islam and whose *Religion and State in Iran, 1785-1906* is the standard work on the subject; in a paper published in 1972, he dealt sympathetically with Khomeini's career in Iran and in exile and outlined the Ayatollah's political and theological views which later provided guidelines for revolutionary republican policies.)

All the other themes of *The Mac-*

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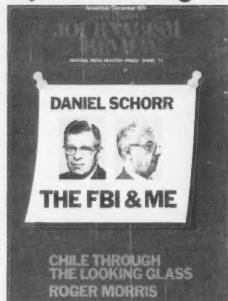
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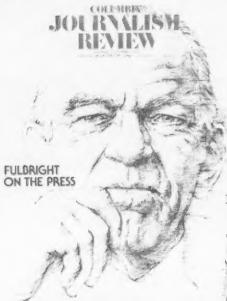
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## AT ISSUE

*Neil/Lehrer Reports* related to the external repercussions of the Iranian crisis.

### The *Le Monde* example

I join Said in his admiration of Eric Rouleau's reporting, but Said fails to point out that, as a French citizen, Rouleau enjoyed many advantages not vouchsafed his American colleagues. He benefited from his government's privileged relation with the Islamic republic, in view of its having granted asylum to the Ayatollah Ruhollah Khomeini at the most critical moment in his long exile, when he was mounting the campaign for his return to Teheran. Furthermore, *Le Monde* is less a journal of news than of opinion and was thus not demanding a daily dispatch on events, at least until the escalation of the U.S.-Iranian crisis in November 1979. Rouleau was investigating one problem at a time in depth and filing his analytical report after he had found something pertinent to write about. Starting with the storming of the U.S. embassy, even he began to send back daily reports more on events than on background. By then, he had gained privileged access to the emerging leaders of the emerging Islamic republic. His status in Teheran was never put in question. Nor was he ever expelled from the country, as American correspondents were. He arrived in April 1979, was free to come and go, within Iran and abroad, as he saw fit, and he has remained there for most of the time ever since. Making use of his superior knowledge of Islamic culture and Middle East politics, he has grown into perhaps the best-informed foreign correspondent in Iran.

It is curious that, in an article which supposedly addresses U.S. media coverage, more than 10 percent of the space in the article is given over to this unique Frenchman.

### Outrage and ambiguity

There are deeper reasons for my unhappiness with Said's article. He and I were both overcome by a sense of outrage: he by media coverage of the

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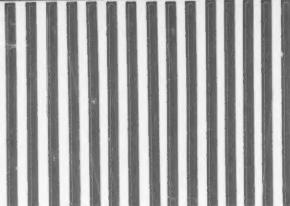
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episode, I by the seizure on November 4, 1979, of the U.S. embassy and the holding of the hostages. My outrage springs from compassion for the captives and from a recognition of the grave damage done to international relations.

Prior experience with Said's writing on Islam and on the Middle East had conditioned me to expect yet another display of his skill in the use of invective. He did not let me down. His latest piece is put together with sincere passion, but also with free-associational ambiguity. His article claims to assess the American media's coverage of the Iranian crisis after the capture of the U.S. embassy in Teheran and the imprisonment of its American diplomatic employees. In fact, Said condemns academics and federal officials as well as journalists, not systematically, but in a free-floating way, moving back and forth from one to another, implying (while denying) the existence of an overarching conspiracy against Islam.

Said, for example, contends that "almost to a man or woman, the academic experts treat the religion [of Islam] and its various cultures within an ideological framework remarkably filled with passion, defensive prejudice, and sometimes even revulsion." I assume he means those scholars who have written for and/or were cited in the press and/or served as panelists and interviewees on radio and television. I am astonished that he even entertains such wildly erroneous notions. Those scholars whom the media most often called upon for comment and evaluation in the Iranian crisis are, in their majority, recognized specialists affiliated with the best academic programs on the Middle East. (Said himself is not an academic authority on Islam; his academic discipline is English and comparative literature.)

#### **New York Times** coverage

The American media, Said charges, failed to give fair consideration to Islam, especially to the Islamic revolution in Iran. If he was genuinely disturbed by the alleged failure of the

American press to publish reasoned discussion on these subjects, why did he dismiss in an uninformative phrase—"a symposium of scholars and experts"—the publication by *The New York Times* on December 11, 1979, of extracts of a dialogue by academic experts? Among them were Eqbal Ahmad and Fouad Ajami (whose credentials are referred to under *MacNeil/Lehrer*); Majid Khadduri (long recognized as one of the world's leading authorities on Islamic law); Wilfred Cantwell Smith (professor of the comparative history of religion at Harvard, whose *Islam in Modern History* is still the standard work on the subject in English); Leonard Binder (one of the foremost scholars in comparative politics, with distinguished books on Egypt, Iran, and Pakistan); and Nikki Keddie (professor of Iranian history at UCLA, whose study of Jamal al-Din al-Afghani is viewed as a definitive biography of the leading Islamic modernist of the last quarter of the nineteenth century).

**D**amned with faint praise is a four-article series in *The New York Times* by Flora Lewis: "Upsurge in Islam." Said finds "some excellent things" in her pieces, but none is catalogued. He goes on to editorialize that

there are serious weaknesses, too. . . . Too frequently her authorities were orientalists well known for their rancorous general views: one of them, Elie Kedourie, of the London School of Economics, is quoted as saying that "the disorder of the east is deep and endemic"; Bernard Lewis, the Princeton orientalist, pronounces on "the end of free speculation and research" in the Islamic world.

Neither Kedourie nor Bernard Lewis is an orientalist in anyone's definition but Said's. Both are historians—Kedourie of the Middle East, Bernard Lewis of Islam. The trouble with the Flora Lewis quartet, it turns out, is that she cites, among many others, these two scholars to whom Said has taken a profound dislike, to judge from his earlier writing. For her series, Flora Lewis also read

Maxime Rodinson (a French historian of the Middle East), Anouar Abdel Malek (an Egyptian expatriate sociologist in Paris), and other scholars (mostly North African Arabs) and interviewed some of them, as well as prominent public officials in Egypt, Tunisia, and Algeria. One would be hard pressed to learn what the series was about from Said's mangled description.

#### **Double-talk**

Said engages in double-talk. For example, he contends—or does he?—that the American media have themselves been hostages to the official policies of Washington. "Overall," he states, "the press followed the government's lead. This is not to say that there was actual collusion between the media and the government, nor that *everything* reported about Iran was crippled by ideological hobbles. But it is to say that the world is much too complex now . . . for the press to join the government in treating all events as affronts to, or enhancements of, American power."

But, surely, in the final analysis, what Said mistakes for government influence over the media represented the almost universal sense of anger and resentment in the United States over the illegal attack on the embassy and the incarceration of its staff. Nowhere does Said systematically examine the media's treatment of the embassy-and-hostage crisis. (As a self-appointed custodian of Islam, he might at least have noted that the disregard of diplomatic immunities violated a centuries-old Islamic practice and the Islamic tradition of asylum.)

One final word. Said's article reveals him as a sincere and impassioned partisan of the Palestine cause with a dilettante's interest in Islam, of which he is a self-proclaimed protector. This Palestinian view of the Iranian crisis strikes me as being the polemical equivalent of the famous Saul Steinberg *New Yorker* cover showing a map of the United States in which Manhattan occupies the bulk of the country. ■

### Editorial 'plot'

An experience in February brought home to us some of the problems outsiders face in piercing the mysteries of journalism.

The *Review* had to drop a bright and enterprising young man from the editor's post simply because he had incredible and continuing trouble in managing things and people and because he proved unable to come close to any of the deadlines, major or minor, that are vital to even a small magazine.

After being dismissed, the ex-editor suddenly spread a tale of some sort of "political" plot to force him into a conformist mold or to "get" him for his views.

A few news outlets reported the incident. The "political plot" version had more sex appeal than did that of operating ineptitude. So a number of readers got the impression that, after nineteen years, the *Review* was going to start pulling its punches. That's nonsense, of course. But the episode makes you think.

### Review goals

As the *Review* goes to press on schedule for the first time in a year, it seems appropriate to reiterate some of the magazine's editorial principles that are known to all connected with the magazine.

□ "The *Review* is designed to serve as a continuing critic, in the best sense of the word, of American journalism in all its forms."

□ "The *Review* does not and must not espouse, directly or indirectly, any cause except that of honest, fair, and enterprising journalism. If it ever appears to be 'left' or 'right' or committed to any 'ism,' it has gone

out of bounds."

□ The magazine intends "to deal forthrightly with what it finds to be deficient or irresponsible and to salute what it finds to be responsible, fair, and professional . . . and to speak out for what it considers right, fair, and decent."

The *Review* and those responsible for it are committed to these goals—without pulling any punches, but with determination to be fair and accurate.

### On 'mobilizing opinion'

In the peak of the primary campaigning we saw a half dozen would-be nominees announcing the aim of "mobilizing public opinion." Even the Ayatollah Khomeini has sought rather awkwardly to mobilize American opinion through broadcast interviews, through a stream of confusing statements by foreign affairs minister Sadegh Ghotbzadeh, and through a remarkably unpersuasive ad in *The New York Times*.

Against this backdrop, perhaps this writer may be forgiven for retelling a favorite family story about mobilizing opinion.

Years ago, my father, as editor and publisher of a small paper in Birmingham, Alabama, used to take it upon himself to entertain visiting celebrities. One such celebrity was John Ringling, then the sole owner of Ringling Bros. Circus.

When the circus was in town, my father took Mr. Ringling to the old Southern Club to dine and to play the then-popular game of dominoes. By late evening my father had won all the cash that Mr. Ringling had with him. Then, doubtless stimulated by the local brew, Mr. Ringling offered an unusual wager: a circus

elephant against the cash my father had won, plus the Barrett family car. Equally stimulated, my father accepted the bet and, by shortly after midnight, emerged as the proud owner of a circus elephant. John Ringling insisted on paying off that night and, to ease matters, offered the temporary loan of the Indian mahout who attended the beast.

It was about 2 A.M. when the editor and publisher of the *Birmingham Age-Herald* reeled home with an elephant and a mahout in tow. He stored the elephant—and the mahout—in the family garage, woke my mother to announce the new acquisition and, finding her less than enthusiastic, repaired to bed. Next morning, a Saturday, we kids had a great time. Friends came from blocks around to ride the Barretts' new elephant. The mahout was most obliging. Everyone was happy except Mother and the cook.

By nightfall, however, they had won out. My father agreed to give up his new elephant. But that raised new problems. By then the circus had moved on to New Orleans and, at that time, there was not a very active market in elephants in Birmingham.

It was then that journalistic enterprise came to the fore. Next morning the *Birmingham Age-Herald* appeared with a lead editorial headed "Birmingham Must Have a Zoo." The paper magnanimously offered to start things off by contributing an elephant. In no time at all, school children were contributing dimes and local merchants were doing their part. Within a few weeks, our elephant, Miss Fancy by name, was the central attraction in a new ten-acre zoo.

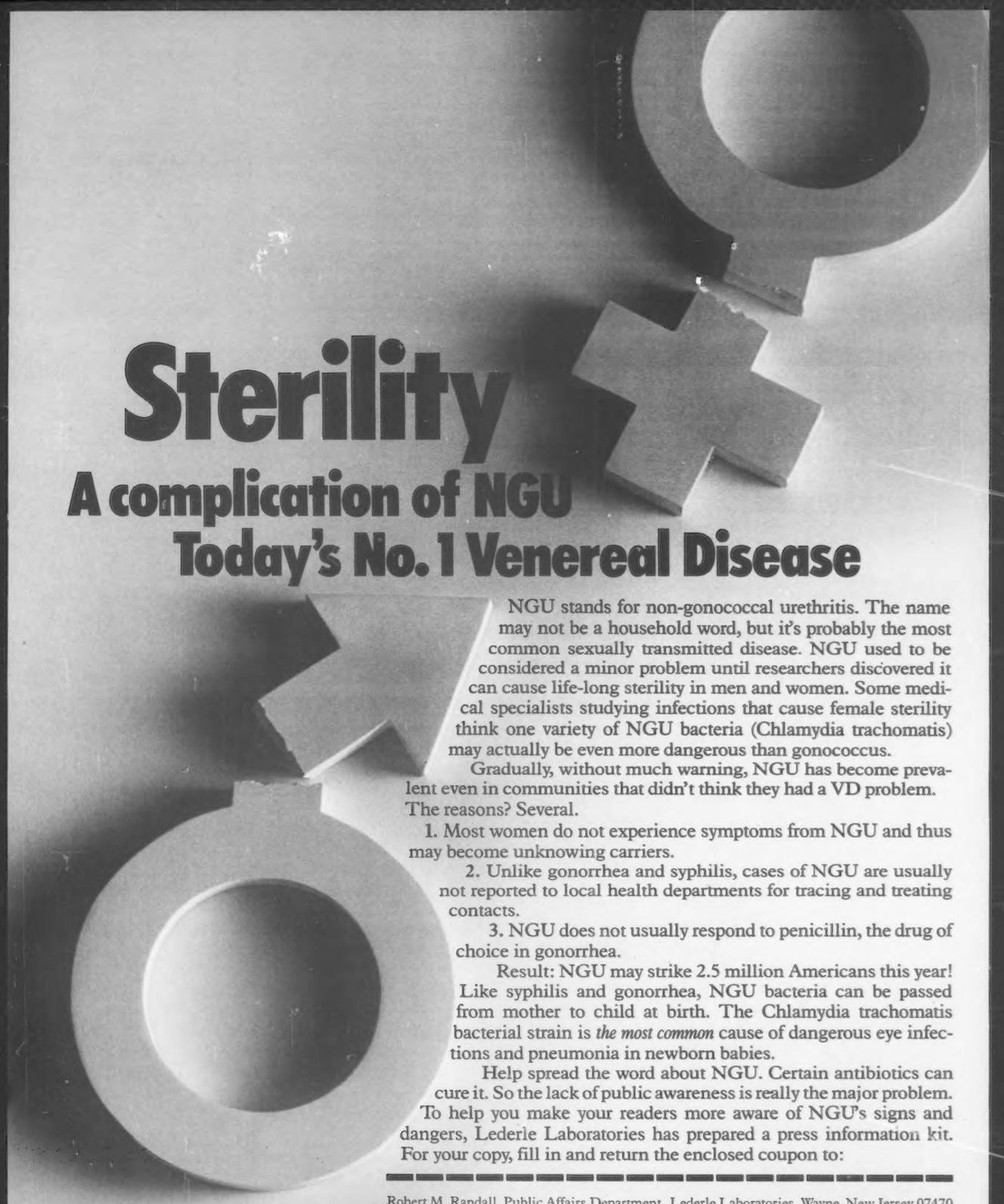
That, we submit, is really mobilizing public opinion to solve a problem—a big problem.

E.W.B.

# Sterility

## A complication of NGU

### Today's No. 1 Venereal Disease



NGU stands for non-gonococcal urethritis. The name may not be a household word, but it's probably the most common sexually transmitted disease. NGU used to be considered a minor problem until researchers discovered it can cause life-long sterility in men and women. Some medical specialists studying infections that cause female sterility think one variety of NGU bacteria (*Chlamydia trachomatis*) may actually be even more dangerous than gonococcus.

Gradually, without much warning, NGU has become prevalent even in communities that didn't think they had a VD problem. The reasons? Several.

1. Most women do not experience symptoms from NGU and thus may become unknowing carriers.
2. Unlike gonorrhea and syphilis, cases of NGU are usually not reported to local health departments for tracing and treating contacts.
3. NGU does not usually respond to penicillin, the drug of choice in gonorrhea.

Result: NGU may strike 2.5 million Americans this year! Like syphilis and gonorrhea, NGU bacteria can be passed from mother to child at birth. The *Chlamydia trachomatis* bacterial strain is *the most common* cause of dangerous eye infections and pneumonia in newborn babies.

Help spread the word about NGU. Certain antibiotics can cure it. So the lack of public awareness is really the major problem.

To help you make your readers more aware of NGU's signs and dangers, Lederle Laboratories has prepared a press information kit. For your copy, fill in and return the enclosed coupon to:

Robert M. Randall, Public Affairs Department, Lederle Laboratories, Wayne, New Jersey 07470

NAME & TITLE \_\_\_\_\_

CITY/STATE/ZIP \_\_\_\_\_

AFFILIATION \_\_\_\_\_

**"Were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter."**

Thomas Jefferson

**NORTHROP**  
Making advanced technology work.

# COMMENT

## Shielding the CIA

While members of Congress were still perfecting the language that would free the CIA from all "unwarranted restraints," the Supreme Court in late February handed down a decision that will make the agency virtually immune from outside criticism. The case was, of course, *The United States v. Frank W. Snell III*. Upholding a Federal District Court judgment against the former CIA employee and the author of *Decent Interval*, an account of the CIA's activities in the last days of the Vietnam War, the Court, while conceding that the book contains no classified information, decided that Snell had violated his contract with the agency by not clearing his manuscript with it. This was not surprising. But the Court then went much farther. Holding that Snell had not merely breached his secrecy contract with the CIA, but had also breached a position of trust, the Court ordered the agent-turned-author to pay to the government all present and future profits from *Decent Interval*. And it went farther in another essential area, ruling that even in the absence of a secrecy contract, present or former government employees with "access to confidential sources and materials" may be placed under prior restraint.

Shortly after this decision, the Carter administration sued another critic of the agency: John Stockwell, former chief of the CIA's task force in Angola and the author of *In Search of Enemies*, which tells the ugly tale of American intervention in Angola, including a CIA attempt to assassinate Patrice Lumumba.

**A** March 11 *New York Times* article, WHY DECISION IN SNEPP CASE DISTURBS PUBLISHERS, quoted reactions from several sources. Henry R. Kaufman, general counsel for the Association of American Publishers, found "the entire opinion . . . an unadulterated disaster." Alan Dershowitz, the noted Harvard Law School professor who assisted in Snell's defense, commented: "It's the greatest example of overreaching and lack of judicial restraint in our memory." And Professor Thomas Emerson of Yale said: "I am appalled. . . . [F]or a Government to impose that kind of blanket inhibition on its employees is a kind of action that is simply not governed by normal contract rules."

The implications of *Snell* for the press were succinctly formulated by Nat Hentoff in a *Village Voice* article on the decision: "Now, with this implicit encouragement from the Supreme Court, the Government is much more likely to move against any . . . publisher, or broadcaster, who retains the

quaint notion that muckraking cannot depend on the prior approval of the targets of that muckraking."

Speaking in support of a bill devised to "unleash" the CIA, Senator Daniel P. Moynihan emphasized that the country must face "the reality of the totalitarian state in today's world, and the conditions of conflict which the existence of the totalitarian state imposes on the rest of us." Presumably he was referring to the Soviet Union. The Supreme Court's repressive *Snell* decision, however, together with the congressional rush to elevate the CIA to an entity subject only to the checks imposed by the equivalent of a presidentium, threatens to bring "the reality of the totalitarian state" uncomfortably close to home.

## State of siege

The streets of Buenos Aires and other Argentine cities "are peaceful and safe once again for citizens and tourists," declares an advertisement from the Argentine Embassy on page 83 of the *Review*. "The dark night of domestic unrest and chaos is over."

The ad, appearing in magazines throughout the U.S., represents the latest phase in Argentina's continuing, lavish public relations campaign designed to polish its blackened image in the world community. Although we find its message offensive and a distortion of reality, we have accepted the ad in keeping with a policy of not suppressing contrary views. Our cover story, by Jacobo Timerman, the exiled Argentine editor and publisher, presents a different side. His grim account of his experiences at the hands of the junta of General Jorge Videla testifies that Argentina's "dark night" is far from over.

Timerman emphasizes that the press "can do more in the struggle for human rights than the pope, the United Nations, and Amnesty International." And, to some degree, the press in this country and in Europe, as well, has called attention to the plight of the scores of journalists who have been a special target of repression in Latin America and other regions. But coverage has been spotty, indeed. Timerman owes his freedom largely to the publicity he received, but his case is the exception. More than one hundred journalists have been imprisoned, killed, or "disappeared" in Argentina, while many more have been treated severely in such rent countries as Chile and Uruguay—all without much of an echo here. As Timerman's experience itself demonstrates, that echo can have an immediate effect on prisoners' lives, and even the most ruthless regimes cannot ignore stories that have appeared in newspapers and on the wire services here.

*continued*

That power extends beyond repressed journalists, and beyond Latin America, to all those around the world who have suffered violations of their human rights. And here the record of the U.S. press in the last couple of years is not one of which it can be proud. The human rights beat generally gets short shrift in American newspapers large and small; in fact, it is not much of a beat at all.

In those instances in which the press has examined human rights, it has all too often let the government define the story and the timing of coverage. That is why the savagery of Iran's SAVAK, with its ties to the CIA, went unreported for so long. And why the death of upwards of 100,000 in East Timor—a country outside the purview of American diplomacy—has been largely ignored. Conversely, the U.S. involvement in Indochina, and American opposition to the region's current governments, has helped legitimize the human rights story there above and beyond the enormity of the suffering of the Indochinese.

Human rights was a "sexy" topic once, in the months following President Carter's March 1977 declaration placing such rights at the forefront of American foreign policy. As the president emphatically (albeit selectively) imposed sanctions against brutal governments, the press examined repression abroad as never before. One country that received official U.S. censure as well as unflattering press treatment was Argentina, which in 1977 and 1978 experienced a blood-letting that surpassed the benchmark for brutality that had been established earlier in Chile.

Now, however, the government's new hard-line foreign policy in the wake of Iran and Afghanistan has consigned human rights to a dim limbo at the State Department, and the press seems willing to play along. In the case of General Zia's Pakistan, American correspondents reported merrily on Zbigniew Brzezinski's jaunt to the Pakistan-Afghanistan border, where a guard almost blew the security adviser away with an accidental flourish of his rifle. The severity of Zia's regime was mentioned only in passing, if at all.

A similar attitude seems to be developing now toward Argentina, which has gained unaccustomed strategic importance as a grain supplier of the Soviet Union after the American embargo. An article by Juan de Onis in the March 26 *New York Times*, headlined 4 YEARS AFTER COUP, ARGENTINA IS REGAINING FAVOR, described the White House's new friendliness toward the generals in Buenos Aires and, in the process, acceded in our government's own explanation for its willingness to forget past sins. After noting the administration's former condemnation of Argentina's rights violations, and recounting the stark statistics of the repression there (at least 5,000 killed and up to 10,000 disappeared through 1978), de Onis wrote:

But the Carter Administration has begun a major revision of its policy toward Argentina. This country of 27 million

people bought \$2 billion worth of American goods last year and is besides a major grain exporter and an emerging nuclear power, with the most advanced technology in Latin America.

The review began when evidence began to accumulate last year that Argentina's military authorities were restraining the worst of the violence by the security forces and bringing the antiguerilla campaign under centralized control. Fewer than 10 disappearances have been reported since last July.

De Onis neglects to mention that hundreds of Argentines still languish in prison and that thousands of disappeared persons continue to be unaccounted for; it also plays down the fact that all political activity continues to be harshly suppressed. (In an article a week later, de Onis did report that "the policy of killing prisoners continues in cases of terrorist activity.")

If, as has traditionally been the case, press accounts of human rights follow the rhythm set by official U.S. policy, we will undoubtedly be reading more accounts like de Onis's, condoning formerly pariah regimes for reasons of political and economic expediency. If the press so acts, journalists and nonjournalists alike who are detained illegally, and often tortured, will lose one of their few available vehicles for having their plight brought to public attention.

## Darts and laurels

*Dart:* to the *Tallahassee Democrat*, for questionable conduct by managing editor Don Pride and assignment editor Dave Schultz. The two editors served as character witnesses for a former news source while supervising coverage of his murder-conspiracy trial. *Laurel:* to reporters Deanna Thompson and Howard Wireback, for resigning in protest against the *Democrat's* apparent compromise of journalistic principle.

*Laurel:* to Maralyn Matlick and the *New York Post*, for a surprise journalistic audit of the IRS. Taking the same set of documented tax data to six different IRS "tax helpers" in the New York City area, the reporter came away with six different bottom lines—ranging from a \$713 refund to a \$59 still owed. The correct figure, calculated eventually by an IRS "expert": a return due the taxpayer of \$1,175.

*Dart:* to the *Syracuse Post-Standard*. Waxing indignant about the number of voters in a recent local election who had left their ballots blank on certain races and issues, the paper issued a strong editorial call to foundations, public officials, and political leaders to launch a vigorous effort to correct the situation. Apparently the editors forgot their earlier editorial explaining that it was offering no endorsement for Supreme Court Justice "because The Post-Standard staff is not familiar with the work of either candidate."

*Laurel:* to the *Winchester Evening Star*, Warren County, Virginia, and staff writer George M. Stoddart, for a grim two-part follow-up (February 14-15) on the lives of two victims of the 1927 landmark Su-

preme Court decision authorizing compulsory sterilization of social "misfits" in the interests of genetic purity. And a branch of the laurel to the *Richmond Times-Dispatch*, for following up the follow-up with a four-part series (beginning February 22) on the ruling's origins, history, and appalling abuse.

*Dart*: to *The Birmingham News*, for playing offside. Within twenty-four hours after she had informed her editors that she had appealed to the American Civil Liberties Union for advice on gaining access to the University of Alabama's locker room for postgame interviews with the football team, the *News*'s first and only woman sportswriter found herself sacked "for irreconcilable differences between herself and the management over priorities and responsibilities."

*Laurel*: to *The New York Times* and reporter Marcia Chambers, for an instructive lesson in the Board of Education's hiring system—which is marked, according to the January 28 investigation, by the consistent bypassing of Civil Service law, failure to administer tests to applicants, and suspiciously high salaries to candidates whose educational credentials are often less weighty than the names of their political friends.

*Dart*: to the *Livingston County (Michigan) Press*, for "An Evening with Joe Ellis," a special section occasioned by a local benefit honoring the Republican county clerk. Crammed with paid testimonials, the twelve-page valentine to the powerful politician included a personal salute from Davie Jaehnig, the weekly's editor, for his help in "keeping things in perspective" for the *Press*'s news team over the years.

*Laurel*: to *The San Diego Union*. Two recent series on the Mexican migration—one by freelance Richard Louv, another by staff writers Jon Standifer and Alex Drehsler—demonstrate the paper's developing concern with the 10 million inhabitants of the 1,952-mile slum that is known as "the border country."

*Dart*: to WJXT, the CBS affiliate in Jacksonville, Florida, for pulling a Rosemary Woods and airing a delayed-tape show of the Florida Emmys from Miami that contained a sixteen-minute gap. Inexplicably, the missing segment included an appearance by the anchorman for WTLV, the NBC affiliate in the area and the station's arch rival.

*Laurel*: to Richard C. Halverson's Pennsylvania shopper, *The Guide*, and reporter Robert Kapler, for a month-long undercover investigation into security hazards at Three Mile Island. Hired on the spot as a guard at the nuclear facility, Kapler gained all-too-easy access to vital areas of the plant and discovered a multiplicity of hair-raising opportunities for potential sabotage. (And a special laurel to Dauphin County Judge John C. Dowling, who denied Met Ed's petition to restrain publication of the February 6 exposé.)

*Laurel*: to *The Dallas Morning News* and reporters Mary C. Bounds and Craig Flournoy, for a four-part series (beginning January 6) into the city's questionable practices—including undervalued appraisals,

overhasty transactions, and overruled objections—in implementing its policy to step up sales of publicly owned lands.

*Dart*: to *The New York Times* and reporter Robert Lindsey, for a January 23 bylined story about the escape from prison of a convicted spy that ended with a plug for Lindsey's book about the case "published in November by Simon & Schuster."

*Dart*: to the twenty editors and publishers of American newspapers—including *The Journal of Commerce*, the *Tulsa World* and *Tribune*, the *Manchester Union Leader*, the *Seattle Post-Intelligencer*, and the *San Mateo Times*—who accepted the Republic of China's most gracious invitation for an all-expense-paid trip to Taiwan last summer and whose papers subsequently carried their most gracious accounts. "Their reports," boasts the Chinese Coordination Council for North American Affairs in a twenty-page reprint of representative pieces, "all reflect the richness of the traditional Chinese culture, the resourcefulness and hard work of the people and the dedication of the government."

## Mississippi shift

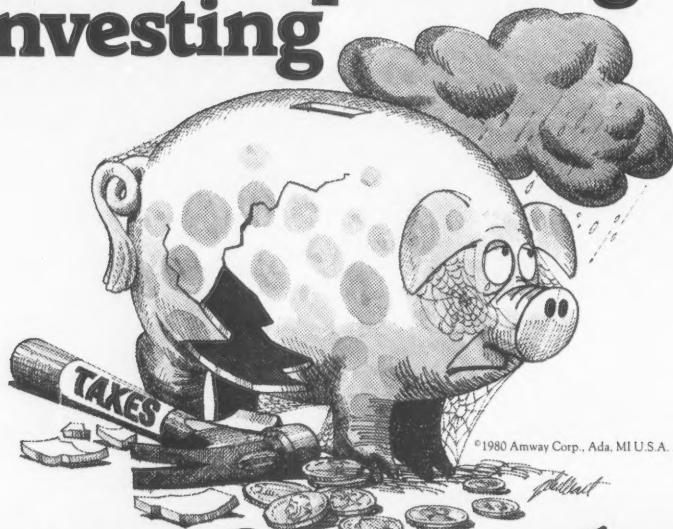
The new decade got off to a bad journalistic start in Greenville, Mississippi with the sale of the admirable *Delta Democrat-Times* to the ultra-right Freedom Newspapers, Inc., owned by the Hoiles family. The Freedom group is noted for such enlightened policies as opposition to tax-supported schools, to virtually all government regulation, and to any government action in the civil rights field.

The *Democrat-Times* (circulation: 18,000), under the late Hodding Carter, Jr., had played a liberal and often heroic role in honest reporting and in supporting civil rights in the days when that was tough in Mississippi. Carter's son, Hodding III, had carried on in the same tradition until he moved to Washington to become something of a celebrity as State Department spokesman.

The *Democrat-Times* then became almost a classic case of the trend toward chain newspapers. Ownership of the newspaper had become diffused among various family members and one "outsider," the long-time business manager. The value of the paper had increased so greatly that, after estate taxes were paid, no member of the family could hope to buy it. Offers came in from would-be purchasers. The Hoiles offer (reported to be \$16 million) far exceeded others and met the informal asking price (about six times gross and \$900 per subscriber). At least one shareholder opted for this highest bid and could have sued if a lower bid had prevailed.

The Hoiles takeover underscores the problems stemming from securities laws and from IRS regulations. And the Carter family faces some sad days when it reads future *Democrat-Times* editorials. ■

# When we stop saving and investing



## ...beware of a rainy day!

The rate of savings in the United States is at a 28-year low. And that makes it tougher for companies and workers in this country to compete with those in other nations.

Inflation is one cause of the decline in savings. Dollars deposited in bank accounts become worth less as inflation soars.

But the major reason for the decline in capital is that laws in the United States encourage us to *spend* our money rather than to save or invest it. The money we earn and spend is taxed only once by the federal government. The money we save or invest is taxed over and over—first in income tax, then in the form of yearly taxes on interest or dividends.

West Germans save about fifteen percent of their disposable income, and their annual rate of productivity growth is five and a half percent. Japan's productivity is increasing nine percent a year. The Japanese people save twenty-five percent of their disposable income. But in the United States, where the rate of productivity growth is now almost non-existent, Americans save less than six percent of their disposable income. In effect, we have stopped investing in our future.

The money from savings and investments is used to purchase new plant and equipment and to replace aging facilities. Many American plants are decades older than those of foreign competitors. Without re-investment of capital, our rate of productivity will continue to decline and so will our standard of living. Without capital, jobs cannot be created, and existing jobs are threatened.

If the United States is to compete with other nations—in our own markets and in international trade—disincentives to saving and investing by Americans must be removed. Tax laws need immediate revision. Amway Corporation, Ada, MI 49355.

**Amway**

*One of a series of messages to stimulate public dialogue about significant national issues.*

# The Bodies Counted Are Our Own

*In view of the massacre of journalists in Argentina, and of the toll of victims of repression worldwide, 'the press must join the battle for human rights,' says long-jailed journalist Jacobo Timerman*

After more than a year in Argentine prisons, on April 17, 1978, Timerman is put under strict house arrest



## by JACOBO TIMERMAN

**F**or many years, we have been subjected to a drumroll of tragic statistics—the genocides in Southeast Asia, the thousands imprisoned in the Russian gulags, the millions exterminated in Nazi concentration camps, the hordes of Chinese executed in Mao's cultural revolution, the scores of people—their corpses coated with cement—who were thrown into the Rio de la Plata by the government of Argentina. The question for the press is a moral one: Is it enough merely to report the impersonal statistics?

As a recently released political prisoner, my strong belief is that the press must join the battle for human rights in the world. I believe it must go beyond answering the question of how many lives have been lost

*Jacobo Timerman, former publisher of the Argentine newspaper La Opinión, was abducted by government agents in 1977 and held prisoner by the Argentine army for thirty months. Last October, he was stripped of his citizenship and expelled from the country. Now living in Israel, he is a columnist for the Tel Aviv daily Maariv.*

and ask itself the question: How many lives can we save? The numbers here are a traumatic statistic.

I discovered that a special relationship exists between journalism and human rights, first as an editor of a newspaper engaged in the human-rights struggle under a military dictatorship, then as a prisoner subjected to torture by that same government. For thirty months—from April 15, 1977, through September 25, 1979—I was held captive by the Argentine army. I spent twelve months in various prisons, although I had not been charged with any crime nor had I ever been brought to trial; and I spent eighteen months under strict house arrest.

For the first forty days I was kept in a clandestine jail, where I was tortured and interrogated. For the next thirty days, my jail was in the police headquarters in Buenos Aires. There I was allowed to see my wife and children for from three to five minutes each day in a small room crowded with people. Although it was difficult to carry on a conversation there, I was able to

## The Toll in Latin America

### Journalists and writers imprisoned, killed, 'disappeared'

#### ARGENTINA

Guillermo Alfieri (news editor, *El Independiente*), imprisoned, tortured

Elsa Altuna (general secretary, Uruguayan Press Association), disappeared

Lucina Alvarez de Barros (journalist, *Barritate*), disappeared

Maria Elena Amadio (journalist, *Barritate*), imprisoned; whereabouts unknown

Marcos Basilio Arocena (Uruguayan writer), disappeared

Juan José Azcone, disappeared

Osvaldo Balbi (writer), imprisoned

Rolando Baradino (writer), disappeared

Oscar Barros (journalist, *Barritate*), disappeared

Maria Bedoian de Ikonikoff (editor, *Dinamis*), disappeared

Horacio Félix Bertholet (journalist), disappeared

Guillermo Juan Bettanin (journalist), disappeared

Leonardo Bettanin (journalist, *Confidencial*), murdered

Cristina Bettanin (journalist, *Dinamis*), murdered

Miguel Jacobo Brzostowski (printing worker), disappeared

Miguel Angel Bustos (journalist, *El Cronista Comercial*), disappeared

Dardo Cabo (editor, *El Descamisado*), killed while allegedly escaping from prison

Juan José Capdepont (journalist), disappeared

Rafael Capellupo (editor, *La Razón*), imprisoned; whereabouts unknown

Aldo Néstor Casadío (journalist), disappeared

Pedro Cazes Camarero (journalist), imprisoned, tortured

Conrado Ceretti (journalist, *El Cronista Comercial, La Opinión, Panorama, América Latina*), abducted; whereabouts unknown

Inés Adriana Cobo (journalist), disappeared

peared  
Rubén Oscar Contardi (journalist), disappeared

Haroldo Conti (writer), disappeared

Luis Córdoba (journalist), disappeared

Hugo Coulin Novillo (journalist, *Prensa Libre*), murdered

Andrés Cultelli (journalist), imprisoned

Daniel Alberto Danquén, disappeared

Edmundo Delfieri, disappeared

Julien José Delgado (editor, *El Cronista Comercial, Mercado*), disappeared

Héctor Ernesto Demarchi (journalist, *El Cronista Comercial*), disappeared

Carlos María Denis (journalist), disappeared

Mabel K. de Domínguez (writer, *El Mundo*), disappeared

Pablo Dorigo (journalist, Channel 9 TV, Buenos Aires), disappeared

Dardo Sebastián Dorronsoro (writer), abducted; whereabouts unknown

José Guillermo Espinoza Pesantes (Peruvian journalist), disappeared

Enrique Esteban (journalist), imprisoned

Miguel Angel Fernández (editor and director, *Norte*), imprisoned; whereabouts unknown

Maria Cristina Fernández de Pankomin (journalist), disappeared

Héctor Ferreiros (journalist, Pelam News Agency), murdered

Ernesto Luis Fossatti (journalist, *La Semana, Panorama*), disappeared

Jorge Horacio Foulkes (journalist), disappeared

Gerardo Gatti (Uruguayan journalist), abducted; whereabouts unknown

Marcelo Ariel Gelman (journalist, *Noticias, Gente*), disappeared

Héctor Giordano Cortazzo (Uruguayan journalist), disappeared

Raymundo Gleyzer (journalist), abducted

Hugo Goldsman (journalist, *Noticias*),

murdered  
Celica Gómez Rosado (Uruguayan journalist), disappeared

Claudio Nicolás Grandi (writer), disappeared

Félix Granovsky (journalist), disappeared

Luis Guagnini (correspondent, *Latin American Political and Economic Review* (London), Interpress Service (Rome), *El País* (Madrid)), abducted; whereabouts unknown

Diana Griselda Guerrero (journalist, *Discusión*), abducted; whereabouts unknown

Mario Hernández (journalist, *Militancia*), disappeared

Mario Herrera (journalist, *Confidencial*), disappeared

Juan Carlos Hica (editor, *Akuko Nippon*), disappeared

Mario Hugo Idelman (journalist), disappeared

Santiago José Illa (journalist), disappeared

Ignacio Ikonikoff (journalist, *Ciencia Nueva, Panorama*), disappeared

Juan Carlos Jordán (Bolivian journalist), disappeared

Eduardo Jozami (journalist), imprisoned

Gloria Kehoe Wilson (writer), disappeared

Mabel Kitzler (journalist), disappeared

Alfredo A. Kolliker (journalist, *Prensa Libre*), disappeared

Miguel Lizaza (director, *La Causa Peronista*), disappeared

Susana Lugones (journalist, *La Opinión, Siete Días, Noticias, Crisis*), disappeared

Ernesto Magarinos (printers' trade union leader), disappeared

Héctor Marcelo Marghethich (journalist), disappeared

Francisco Marín (reporter, *La Nación*), murdered

Elsa Delia Martínez (journalist), disappeared

Mario Martínez (journalist), disappeared

Ricardo Manuelle (graphics worker), abducted; whereabouts unknown

Winston Mazzuchi Franches (Uruguayan journalist), disappeared

Jorge Medina (telecommunications worker), abducted; whereabouts unknown

Susana Beatriz Medina de Bertholet (journalist), disappeared

Nebio Ariel Melo Cuestas (Uruguayan journalist), disappeared

Luis Carlos Monaco (journalist), disappeared

Cristina del Valle Morandini Huespe (journalist), disappeared

Jorge Daniel Moyano (journalist), disappeared

Héctor Oesterheld (German journalist), disappeared

Sergio Peralta (writer), arrested; whereabouts unknown

Carlos Pérez (editor, journalist, *Clarín*), disappeared

Marta Pérez (journalist, *La Razón*), abducted; whereabouts unknown

Rafael Perrotta (journalist), disappeared

Enrique Piera (journalist), disappeared

Luis Piris (journalist), disappeared

Bruno Thomas Pippino (journalist), disappeared

Horacio Norberto Poggio (Italian journalist), disappeared

Rodolfo Fernández Ponal (director, *Ultima Clave*), abducted; whereabouts unknown

Enrique Raab (journalist, *Clarín*), disappeared

José A. Ramaciotti (editor, *Estrella de la Mañana*), imprisoned; whereabouts unknown

José Eduardo Ramos (journalist), disappeared

Alcira Ríos de Córdoba (journalist), disappeared

Edgardo Sajón (director of graphics, *La Opinión*), disappeared

tell my family of at least some of the tortures I had been subjected to. No journalists were permitted to see me, and those who heard of my experiences raised the question: Who will be named as the source if we publish any of this information? Fearful of what the government might do, I did not want my family to be named. And the national press was afraid to act.

**T**he international press, too, had to have some source to whom to attribute details. Despite the difficulties involved, I was able to put together some news, which was then sent abroad. When, subsequently, I was transferred to another clandestine prison, my family was acutely aware that my only hope of being saved lay in spreading the word about my situation.

Then, once again, I was back in the hands of the army. This time, however, there was less torture and some guards even showed me brief Argentine newspaper accounts about my disappearance. The accounts

bore datelines from various cities and were credited to news agencies. So the news was getting out.

My situation improved after the arrival, first, of Patricia Derian, U.S. Assistant Secretary of State for Human Rights and Humanitarian Affairs, then of U.S. Representative Benjamin Gilman, of New York, in August 1977, who, as a member of the Inter-American Affairs Subcommittee, was allowed to interview me in the Casa Rosada in Buenos Aires. I was transferred to a legal prison. There, whenever they could win the friendship of one of the guards, journalists were able to get some newspapers to me. There, too, I was allowed to see my family for up to an hour a day.

As time went on, we were able to organize and refine a kind of news-spreading chain, whose effectiveness demonstrated to us the importance of the press. It worked like this:

□ Each time *The Buenos Aires Herald*—the outspoken English-language daily—published an article about my situation, my wife and children distributed

Maria Elena San Martín de Valetti (writer), disappeared  
Roberto Jorge Santoro (journalist), disappeared  
Juan Miguel Satragno (journalist), disappeared  
Víctor Eduardo Seib (journalist, *La Nación*), disappeared  
Barba Luis Seruco (journalist), disappeared  
Horacio Rodolfo Speraito (journalist), disappeared  
Eduardo Suárez (journalist, *El Cronista Comercial, El Mundo, Noticias*), disappeared  
Virginia Adela Suárez (journalist), disappeared  
Patricia Villa de Suárez (journalist, Inter-Press Agency), disappeared  
Enrique Walker (journalist, *Gente, Nuevo Hombre, Semana Gráfica, El Desnudado*), imprisoned; whereabouts unknown  
Rodolfo Walsh (journalist, essayist, *Prensa Latina, La Opinión, Noticias, Mayoría*), disappeared; presumed murdered  
Tilo Wenner (editor, *El Actual*), disappeared  
Miguel Zazala Rodríguez (journalist, *El Auténtico*), murdered

**CHILE**  
Diana Aaron Svilgsky (journalist), imprisoned  
Alberto N. Alvarado (journalist), imprisoned; whereabouts unknown  
Mario Eduardo Calderón Tapia (journalist), imprisoned  
Gustavo Canihuante (writer), imprisoned; whereabouts unknown  
Hernando Augusto Carmona (journalist, *Punto Final*), murdered  
Héctor Contreras Rojas (radio journalist, former leader of radio workers' union), imprisoned; whereabouts unknown  
Luis Eduardo Durán Rivas (journalist), imprisoned, tortured; whereabouts unknown

Máximo Gedda Ortiz (journalist and screenwriter), imprisoned; believed tortured to death  
Jorge Arturo Grez Aburto (writer), imprisoned, tortured; whereabouts unknown  
Silva Müller (film cameraman and screenwriter), imprisoned  
Marta Neira Muñoz (writer), disappeared  
Fernando Ortíz Letelier (writer), imprisoned; whereabouts unknown  
Hernán Pérez (freelance photographer), shot during arrest; whereabouts unknown  
Carlos Freddy Pérez Vargas (publisher), imprisoned  
Manuel Recabarren Rojas (journalist), disappeared  
Guillermo Gálvez Rivadeneira (director, *Hechos Mundiales*), disappeared  
Manuel Rivas Rachitoff (editor, *Ultima Hora, Posición*), arrested, tortured; whereabouts unknown  
Ricardo Rojas Ross (journalist), arrested; whereabouts unknown  
Francisco Rozas (photographer, journalist), imprisoned  
Ramiro Sepúlveda Contreras (journalist, Radio Magallanes), imprisoned; whereabouts unknown  
Luis Archibaldo Villaflor Rivera (journalist, *El Siglo, Radio Ríquelme*), imprisoned  
CUBA  
Raúl Artiega Martínez (writer and founder of the Association of Free Poets and Writers of Cuba), imprisoned  
Angel Cuadra Landgrave (writer), imprisoned  
Amaro Gómez (cinematographer), imprisoned  
**GUATEMALA**  
Julio César Hernández (broadcast reporter), kidnapped, tortured, hospitalized  
Wilmer McDonald (son of editor of the

*Guatemalan Flash*), abducted; whereabouts unknown

Enrique Slazar Solórzano (newscaster, Nuevo Mundo radio station), arrested; whereabouts unknown  
Werner Rosnall Trejo (journalist, *La Noche*; son of editor of *La Opinión*), disappeared

#### HAITI

Gerard Augustin (journalist), imprisoned, cruelly treated  
Marie Thérèse Feval (journalist, radio broadcaster), imprisoned

#### MEXICO

Roberto Falcón (journalist, *El Norte*), shot and killed by military patrol

José Guadalupe Mendivil (journalist, *El Diario de Culliacán*), murdered  
Roberto Martínez Montenegro (journalist, *El Norte*), murdered

#### NICARAGUA

Pedro Joaquín Chamorro Cardenal (editor, *La Prensa*), murdered

#### PARAGUAY

Héctor Rodríguez (editor *ABC Color*), imprisoned

#### PERU

Augusto Zimmermann Zavala (journalist, *Kausachum*), imprisoned

#### URUGUAY

Edurado Acerenza (writer), imprisoned

Maria Victoria Barceló (journalist, *El Popular*), held incommunicado, allegedly tortured; whereabouts unknown

Raúl Bianchi (writer), imprisoned; whereabouts unknown  
Samuel Blixen (journalist), imprisoned

Jorge Bottaro (writer), imprisoned

Oscar Cabrera (journalist, *Ultima Hora*), imprisoned; whereabouts unknown

Hiber Contreras (journalist, *Marcha*),

imprisoned, allegedly tortured  
Alfonso Avelino Fernández Cabrelli (writer, editor), imprisoned

Niurka Fernández (journalist), imprisoned

Silvia García de Betancourt (writer), reportedly imprisoned; whereabouts unknown

Sigifredo Gurida (writer), imprisoned; whereabouts unknown

Rita Ibarburi de Suárez (editor, *Estudios*, former editor, *Nosotras*), imprisoned

José Jorge Martínez (journalist), imprisoned, allegedly tortured

Winston Mazzuchi (editor), disappeared, reportedly imprisoned

Nebia Melo (editor), disappeared; whereabouts unknown

Fernando Miranda (writer), disappeared; whereabouts unknown

Hermínio Osorio (journalist), reportedly imprisoned

Santiago Puchet (journalist, co-owner of printing press), imprisoned, reportedly tortured

Héctor Pío Rodríguez de Silva (journalist), imprisoned

Mauricio Rosenkoff (writer), imprisoned, reportedly tortured

Edmundo Rovira Sauro (correspondent, *El País*), imprisoned

Elias Tulowitz (administrator, *Estudios*), imprisoned

Juan Carlos Urruzala (Argentine journalist, *El Popular*), held incommunicado, tortured, held in military hospital

Ismael Weinberger (editor, *El Popular*), reportedly held incommunicado and tortured; imprisoned

*This list is based on information compiled by PEN American Center.*

copies to the international news agencies and to foreign correspondents. They also telexed these articles to papers throughout the world.

□ My wife also engaged Argentine journalists to write articles, under a pseudonym, which were then sent off to newspapers and magazines abroad. As they appeared, copies of these articles would then be distributed to the international news agencies in Buenos Aires. A few Argentine papers would always print at least a few lines.

□ Through the help of friends, my wife and children managed to obtain statements on my behalf from abroad—from institutions, prominent politicians, authors, and clergy. If the statement was issued in a small French city and not picked up by the French press, we would try to have it played up elsewhere in Europe—London, for example—and then sent via a news agency to Buenos Aires.

**W**hile it is probably true that the Argentine press used no more than one percent of what was published abroad, all the clippings from the foreign press about Argentina were on the desks of army leaders and members of the government. It became clear to us that what appeared to be merely professional journalistic reporting compelled the government to become more concerned about establishing its "legal" relationship with me. The government showed its power by confiscating my newspaper (it is now owned by the army and edited by a colonel) and other property, and by taking away my citizenship and expelling me from Argentina, but it could not accuse me of any crime because the international press had already laid bare the true nature of my situation: that I had been imprisoned and my paper closed down because I denounced all kinds of terrorism, whether carried out by the left or the right, the state or the individual; because *La Opinión* defended the right to life and to a legal trial of any arrested person and published lists of the thousands of abduction victims who were never heard of again. (*The Buenos Aires Herald* was the only other paper that performed a similar task. Last December, its editor, Robert Cox, had to leave Argentina because of the constant death threats he and his family had received. As he explained in an article in *Newsweek*, the threats came from the very security forces which should have protected him from them.)

My family and I were able to establish our simple, yet effective, news-spreading chain because I am a professional journalist. I was encouraged to continue my efforts, both when in prison and later under house arrest, because I observed that each time a prisoner's relative was able to give him some facts about the campaign being waged on my behalf, the prisoner felt encouraged: he assumed that, beyond the prison walls, the international press was taking a strong stand against the Argentine dictatorship. Often, this was the only source of encouragement. I believe, however, that prisoners of conscience deserve more than the notice

accorded a journalist who, like myself, happens to have good contacts abroad. They deserve attention on their own account.

**U**nofficial estimates of the number of Argentine journalists who have "disappeared" or been murdered by members of the military forces range from sixty to seventy. It would seem that in Argentina we have witnessed the first genocide of journalists to occur in a Western hemisphere nation. Two years ago, the Inter-American Press Association awarded its Ottmar Mergenthaler prize for the struggle for a free press to the murdered and missing journalists of Argentina and to those imprisoned there. Fearful of the government's repressive measures, the Argentine delegation to the IAPA congress did not accept the prize. It is being held in the association's offices in Miami, waiting for someone to claim it. Perhaps it is waiting to be claimed by the ghosts of all those Argentine journalists who were tortured with electric shocks, whose feet were burned, whose genitals were smashed by hammer blows, whose corpses were thrown into the sea from a helicopter.

Why has the military government's violence against journalists reached a magnitude that is, perhaps, even greater than that brought to bear against the nation's terrorists? A totalitarian government, be it left wing or right wing, has a fixed image of itself, a rigid concept of its role in history, and an unshakeable concept of its own justness. The only force that can topple this monolithic structure is the press. For only the press can dispute that monopoly on reality which is the sine qua non for the existence of any totalitarian government. Another essential is that it must project an image of strength. But when a government persecutes obsessively, it is, in fact, weak. To allow itself to be perceived as weak is, for a totalitarian government, intolerable. Thus, the government of Argentina has consistently sought to prevent coverage of its murderous fury.

Obsessed with maintaining an image of strength and rectitude, totalitarian governments pay close attention to foreign coverage. It may be useful at this point to describe the kind of attention such coverage receives. In Argentina, the international press is reviewed daily by the intelligence agencies and specialists in psychological warfare, as well as by assistants in the offices of the president, the army, and the ministry of economics.

Typical scenarios, with appropriate officialese, could be as follows:

*Place:* Army General Headquarters. Meeting of the Commander in Chief with heads of various divisions.

*Object of the Meeting:* Report of the head of the Intelligence Department on recent events related to the campaign against Argentina being conducted abroad.

*Report:* Long article in *Le Monde* about a group of Argentine mothers who reported their children had disappeared.

*Conclusion:* *Le Monde* is a newspaper controlled by the French left-wing, and its reporting on Argentina is exclusively in the hands of the terrorists in exile. Other French news-

papers have been gradually distancing themselves from the public relations office engaged by the Argentine government in Paris and from the office of communication opened by the presidency of the Argentine nation. The anti-Argentine campaign in France will be difficult to counteract.

*Report:* Article in *The Washington Post* on the conditions of prisons in Argentina.

*Conclusion:* *The Washington Post* has joined the anti-Argentine campaign. Therefore it must be assumed that, given the influence of this newspaper in Washington, it would be difficult to get any American congressmen to become interested in defending the Argentine point of view. It is to be expected that a sister publication, *Newsweek*, will pick up the campaign. In all likelihood *The Washington Post*, through its contacts in Congress, will lead some congressmen to demand from the Argentine government a public statement on the conditions of some prisoners.

*Suggestion:* That the ambassador in Washington attempt to persuade friendly congressmen to write personal letters to the president of Argentina, expressing their interest in the fate of some prisoners whose release could be [safely] granted in the immediate future [as a face-saving device].

The above may seem a hallucination. However, it accurately depicts a part of the mechanism used to deal with Argentina's image abroad. This mechanism is capable of producing an infinite variety of responses: purchase of special sections in newspapers and magazines to explain the government's point of view; the offer of lucrative contracts to foreign news agencies in exchange for a benevolent attitude regarding Argentina, or for at least remaining silent on the subject of human rights violations; search for renowned scholars who will justify the barbaric repressions with apocalyptic arguments about what would have happened if such measures had not been taken; invitations to journalists and public figures to visit the country under the government's auspices; engagement of large public relations agencies in New York, Frankfurt, London, Paris, Rome; utilization of multinational corporations, owning highly profitable businesses in Argentina, as pressure groups in their own countries.

One could go on and on. But all I am trying to bring out is the inordinate importance that a totalitarian government gives to its image. Given this chink in the armor of a totalitarian regime, journalists throughout the world must decide whether simply giving information about what is happening—the numbers of those killed, "missing," or imprisoned—is enough. Or whether they must go beyond a journalism that merely exposes reality to one that helps to save lives.

The difference between tragic statistics—the sum of lives lost—and traumatic statistics—the sum of those we might have saved—was a subject I often discussed with my staff in Buenos Aires. It was a matter I was led to understand only because I was forced to live it through, because I had to decide daily which of two attitudes to adopt: Should I try to save as many lives as possible even if this meant a confrontation with the army, or should I remain silent, as did the editors of other Argentine papers, who justified their silence by claiming that, in a better future, they would still be

around to help democratize the country? I chose to save lives. I believe Robert Cox did, too. And both of us were forced to leave Argentina.

The violation of human rights in the world has reached such levels of permanency, magnitude, and sophistication that I, for one, cannot see how journalists can still regard the topic as a subtheme in political, social, and diplomatic coverage. I believe it has become a theme, or beat, in itself. And in moral terms, coverage of it has become an obligation. Even in professional terms, it deserves a department to itself, one requiring no less commitment, space, and specialization than that required for a paper's "Bridge," "Furniture," or "Food" departments.

In my office as editor of *La Opinión*, I was able to save lives by covering human rights as thoroughly as sports, for instance. And when I was in prison, I could often ascertain that a few lines in *The New York Times*, an article in *Le Figaro*, or a statement in *Il Corriere della Sera* had immediate repercussions on our living conditions and treatment as prisoners. I witnessed how a campaign conducted by the *Los Angeles Times* saved the lives of an entire Argentine family. And I myself would not be free now had not the foreign press—the U.S. press, in particular—kept up a steady barrage of coverage about my plight.

On many occasions while in prison I asked myself what would happen if the world's twenty leading newspapers were to print a weekly list of journalists imprisoned for defending the free press in different countries. One could ask why journalists and not physicians. I do not know. But this was my thought in prison because I realized that the press can do more in the struggle for human rights than the pope, the United Nations, and Amnesty International.

The tragic statistics that appear in the press these days are, perhaps, inevitable. But perhaps we could do something to reduce the magnitude of those statistics, if for no other reason than to keep the press from being haunted by the nightmare of thinking it could have saved some lives if only it had realized the true extent of its influence.

Many of my fellow prisoners of conscience and I knew that our release was not close at hand. However, when some newspapers reported on our situation in distant places of this world, be it a small town or a large city, this news reached us by that miracle of communication which political prisoners the world over have managed to establish. And it helped us to live through that day; to not give up in the face of filth, starvation, and despair; to reject suicide. A small piece of information published in San Diego or Quebec, in Edinburgh or Naples, in Tel Aviv or Costa Rica, lifted, if only briefly, the burden of that worst of all punishments: loneliness. The awareness that there was someone out there who, for a moment of his or her life, cared about us saved many lives.

And only journalism could do it. ■

# Should public affairs be the

That's the \$234-million question independent filmmakers are asking in a suit designed to break the networks' hold on news and documentaries

by MICHAEL MASSING

Independent producer Barbara Kopple won an Academy Award in 1977 for her documentary *Harlan County U.S.A.*, but the three networks refused to air the film. Emile de Antonio's documentaries have appeared on television throughout the world, but, with the exception of a severely edited version of his *Point of Order*, on the Army-McCarthy hearings, his work has not been shown on commercial TV in this country. In 1973, producer John Reilly, executive director of New York's Global Village video center, approached two networks with a proposal for a film on Northern Ireland; the response was so discouraging that he has not been back to the networks since.

For the thousands of independent producers across the country who make documentaries with small budgets and modest facilities, ABC, CBS, and NBC are virtually off-limits. With rare exceptions, the network news divisions limit air time to programs produced by their own staffs. To gain exposure, independents are left to sell their works to public television, peddle them to local stations, or release them theatrically—the revenues from which are rarely sufficient to pay back their original investments.

Now, however, twenty-six leading producers have brought a lawsuit against the three networks and their

owned-and-operated stations in New York, claiming that their exclusion of outside news and public affairs programming represents monopolization in violation of antitrust laws. "The network boycotts, in the face of the overwhelming market power of the network combinations, make it impossible for independent producers to market public affairs programs for national television," states the plaintiffs' brief to the U.S. District Court in New York, which is currently considering the networks' motion to dismiss the case. (A decision is expected shortly.) The producers are asking the U.S. courts to limit, or even prohibit, network production of public affairs programs.

A lot more is at stake in the case than the \$234 million in damages the plaintiffs are asking; the suit, in effect, calls into question the substance and control of all manner of public affairs programming—news, documentaries, and TV newsmagazines. "The lawsuit is aimed at restructuring how news and public affairs should be handled at the networks," says Joel Levitch, the organizer and lead plaintiff in the suit, which was filed in September 1978. "Programming from independents would help bring different perspectives and a variety of voices." If the plaintiffs are successful, the networks could be required to devote a proportion of their public affairs air time to productions by outside suppliers.

The impetus for *Levitch et al. v. CBS et al.* can be summarized in a few statistics: Of the nine-and-one-half hours of documentary programming (excluding newsmagazines) aired by ABC last year, only two were produced out-of-house. At CBS, none of fourteen documentary hours was supplied by independents; the same was true of NBC's ten-and-one-half hours. Newscasts were even more hermetic; aside from occasional footage filed by stringers, contributions from nonstaff people have been almost nonexistent.

In arguing such a state of affairs to be a conspiracy in restraint of

trade as defined by the Sherman Act, the plaintiffs call attention to the "power and dominance" of each network that has been created by its ownership of five major stations and affiliation with up to 200 more. The producers maintain in their brief that affiliate contracts—which require stations to carry a minimum amount of network programming before they qualify for compensation—make it extremely costly for local broadcasters to shelve network programs in favor of independently produced works. This arrangement, the brief asserts, has produced "devastating" anti-competitive effects that "effectively preclude plaintiffs from entry into a national market."

The network brief counters that the plaintiffs' case "borders on the frivolous." It contends that "since the [plaintiffs' complaint] itself confirms what we all know to be a fact of American life—that the networks compete with one another," the producers' charges are "obviously without antitrust significance." More fundamentally, the brief declares, the suit "seeks to strip from the broadcaster the basic editorial prerogative of choosing who is to prepare news and public affairs programming, substituting, in its place. . . plaintiffs' programming—all to be implemented and enforced on the basis of governmental decree."

With that statement, the underly-



Michael Massing is executive editor of the Review.

# networks' private domain?

ing implications of *Levitch et al. v. CBS et al.* become clear. Although the independents have not asserted a constitutional right of access to the airwaves—such a claim was rejected by the Supreme Court in 1973, when it ruled CBS did not have to broadcast all advertisements submitted to it—the case raises fundamental First Amendment questions for TV journalism. “When you have three corporations that reach the entire nation and are the most trusted sources of information, and if you say those corporations have the right to exclude anyone else, then the concept of free speech in the U.S. is almost academic,” says Eric Lieberman, a lawyer with the National Emergency Civil Liberties Foundation in New York, which is providing legal assistance to the plaintiffs.

**T**he networks, on the other hand, hold that the suit “threatens the First Amendment, rather than attempting to vindicate it,” according to Floyd Abrams, the lawyer representing NBC in the case. “There are very grave constitutional problems in any system that would compel broadcasters to broadcast material, especially news, against their will,” says Abrams. “The danger of starting down the road that would put the FCC or the courts in the business of saying who should broadcast and

produce news is the highest level of First Amendment danger.”

The networks’ first public discussion of their policies barring independents was prompted not so much by freedom-of-the-press considerations as by a desire to placate a suspicious public and an inquisitive government in the wake of the 1959 quiz-show scandals. Charles Van Doren’s confession that his erudite victories on *Twenty-One* were fixed set off a wave of recrimination over the networks’ perceived irresponsibility and untrustworthiness. Company executives quickly moved to consolidate their control over programming—both entertainment and public affairs—as a safeguard against possible future manipulation. CBS president Frank Stanton, for instance, sent a letter to Senator John Pastore in March 1960 citing the “policy of the CBS Radio and Television Networks requiring that programs in the News and Public Affairs area be produced by, and under the exclusive supervision and control of, CBS News.” NBC president Robert Kintner articulated a similar standard before the FCC in 1962. ABC, with its less mature news operation, left the door open to purchasing documentaries co-produced with others.

The networks are prepared to argue that since the 1960s they have relaxed their exclusionary policies,

but in practice, as the networks themselves concede, this has made little difference. With regard to out-of-house material, says Jay Gerber, NBC vice president and associate general counsel, “It’s not accurate to say we have a policy against taking it.” But, he adds, “It’s fair to say we have not, over the years, acquired a lot of outsiders’ hard news documentaries.” Howard Stringer, senior executive producer for *CBS Reports*, says his network “has no rule” about independent production, but adds, “We don’t buy completed material.” In fact, he says, “Outside of *60 Minutes*, I don’t think we’ve bought an hour in the last three years.” (ABC is still somewhat more liberal.)

Network coolness toward outsiders has chilled the famous and the little-known alike over the years. In 1968, for instance, historian and journalist Theodore White wrote and narrated a ninety-minute documentary on China, sponsored by Xerox; no network would air it, however, and White was forced to distribute the program through syndication. The same route was forced on David Frost, who in 1977 was unable to find a network buyer for his interviews with Richard Nixon.

In 1974, Frank Mankiewicz, a filmmaker who now heads National Public Radio, set out to produce a series of documentary interviews with several world leaders inaccessible to



*Television verité:*  
Independent producers Alan and Susan Raymond interviewing British soldiers in Crossmaglen, Northern Ireland, last February for a documentary ABC plans to air in June. It will be one of the rare outside works to be broadcast by the networks

the networks. Allowed into Cuba at a time when few Americans were welcomed, he taped fourteen hours of conversations with Prime Minister Fidel Castro. Back in the U.S., he tested network interest in his work, only to find that neither ABC nor NBC would even discuss the matter with him. CBS did agree to screen the footage but rejected it, against the recommendation of its own news department.

Mankiewicz then offered to return to Cuba with a CBS film crew and correspondent to take any additional footage deemed necessary. CBS agreed, provided that it have control over the editing. So Mankiewicz returned to Havana with Dan Rather, taping two more hours with Castro. When the program was finally aired, only six of its fifty-two minutes were Mankiewicz's own. Since he was paid on a per-minute basis, he was barely able to recoup his investment. Discouraged, Mankiewicz called off planned interviews with Yugoslavia's Tito and Argentina's Peron.

"I don't even bother to approach the networks anymore," says Jack Willis, whose ninety-minute production *Paul Jacobs and the Nuclear Gang* won both an Emmy and a Polk award in 1979. "They wouldn't do my kind of film." Willis approached all three networks with ideas over a period of several years, but, discouraged, he gave up in 1975. He went with *Paul Jacobs* directly to public television, which paid \$20,000 for screening rights—far shy of the \$90,000 production cost.

The networks' aloofness, the defendants explain in their brief, is dictated by their "continuing accountability for compliance with such [FCC] rules as those prohibiting the staging of news events or the slanting of news coverage." CBS's policy formulation against outside suppliers, in fact, gained impetus from a 1960 case in which a filmmaker's integrity was questioned. In testimony before the FCC in 1961, Richard Salant, vice president of CBS at the time, said that David Wolper, producer of *The Race for Space*, an hour-long look at American-Soviet space competition, made changes in the film at the request of the Defense Depart-

ment, a protagonist in the film, and also agreed not to include any negative facts about the Soviet Union in exchange for footage from the official Russian film agency.

"When you get into a hard investigative piece, you want to know all the circumstances of how it was shot," observes Palmer Williams, senior producer of CBS's *60 Minutes*. Such visual techniques as the "cutaway," for instance, which editors use to avoid jerky transitions, could conceivably make it difficult in some cases to determine the filmmaker's faithfulness to his material. As a result, says Williams, *60 Minutes*'s purchases from outsiders (at a rate of one to three a year) are limited to travel and other soft features.

**D**espite their hands-off policy toward finished products, the networks occasionally do sign on outside producers to shoot documentaries, and the parameters set for such projects reveal a good deal about the editorial prerogatives the networks discuss in such detail in their *Levitch* brief. NBC, for instance, has contracted with freelance producer Tom Spain to produce a sixty-minute film on medicine for its *NBC Reports* series. Spain says his relationship with NBC is based largely on "trust," noting that his work was known to the network as a result of his three years as a producer at *CBS Reports*, which he left last year in order to gain some independence. "Working out of my studio in New Jersey gives me freedom," he observes. "I have my own staff, and I disburse money as I want to." At the same time, Spain says, working on commission with the network entails acceptance of "specific ground rules of presentation and style." There must be a news peg that is "certified journalistically—widely discussed in *The New York Times* or *Newsweek*. It's very hard to get a fresh story initiated." The network expects him to use one of its correspondents. In addition, the commercial format requires regular breaks for advertising and limits the running time of an "hour" documentary to forty-nine minutes. Finally, says Spain, after he receives eight or nine months of

relative freedom, "the people who are paying the bills get a chance to look and make changes."

It is such supervision, which NBC and its counterparts insist is necessary to ensure fairness, that many independents find objectionable. "ABC News, for instance, wants to assign a piece and have editorial control," says John Rice, a staff member of the Association for Independent Video and Film Makers. But, he adds, "independent producers are like print journalists. They want to take an idea and go out and do it." The independents regard network invocations of editorial responsibility as "smokescreens," as it's described by John Reilly of New York's Global Village, whose latest documentary, *Home*, was aired on PBS recently. "Clearly," says Reilly, "the independents have the same integrity and ability as do network staff people. And we generally spend a lot more time on projects than do the networks, which run in and run out."

There is little question that, as a group, independent filmmakers have come of age. If they once tended to the esoteric in both content and technique, they have developed into an important journalistic force in the last decade as a generation weaned on film has taken cameras in hand and experimented with new reportorial techniques. Cinema vérité in particular has provided producers a powerful tool for examining political and social subjects. In February, independents won four Dupont broadcasting awards—their most ever.

Fred Friendly is one observer who has taken note of how the field has changed in the years since he worked with Edward R. Murrow as a producer of *See It Now*, CBS's pacesetting documentary series in TV's first decade. "Rules made in the early 1960s aren't necessarily applicable in the 1980s," says Friendly, who is now adviser on communications to the Ford Foundation. "I was against outside producers back in 1960 and 1961. At that time, documentaries required all kinds of faith in the integrity of the producer. But in twenty years the field of independent producers has broadened, become more educated, more responsible. I think



Cinema 5

*Untapped resources: Producer Barbara Kopple and cinematographer Hart Perry film Harlan County U.S.A.*

there should be a way for them to get on the air." Most staff producers at the networks themselves agree that the staging of events and other falsifications by outsiders are no longer matters of serious concern. "You can pretty much tell what is staged," says CBS's Howard Stringer. "If you like a film an awful lot, you'll take the time to find out."

There have been few questions of authenticity raised by the independent works aired on ABC News, which in the last few years has distinguished itself as considerably more willing than the other networks to consider, and broadcast, out-of-house productions. In the two years since Pam Hill took control of ABC's *Closeup* series, the network has presented an average of two documentaries a year made by outsiders, and it has scheduled two more for 1980.

"Whatever we acquire has to meet tough journalistic and ethical standards," says Richard Richter, senior producer of documentaries at ABC, who notes that "with a documentary, you have time to double and triple check." Thus far, he adds, ABC has found little fault with the accuracy and fairness of its outside material.

In fact, independent works broadcast by ABC have received very favorable notices, particularly *The Police Tapes*, by Alan and Susan Raymond, a ninety-minute look at life in the South Bronx as seen through policemen's eyes. ABC has

since commissioned the husband-and-wife team to produce a film on the conflict in Northern Ireland—and granted them considerable freedom in putting it together. "We let them know all along that we wanted them in particular because of their unique skills," says Richter. "They have a very personal, cinema vérité technique. It's more through the eye of the camera than most of the material we use."

As slow as the networks have been to accept out-of-house documentaries, they have been even more reluctant to incorporate independently produced material into their newscasts. But even here an exception has been made, with interesting results. Over the last year, independent producer Jon Alpert has worked on commission for NBC News, which has broadcast about thirty of his reports from abroad, on both the *Nightly News* and *Today*. Most were stories the networks otherwise would have missed—inside Pol Pot's Cambodia, with Nicaragua's Sandinista guerrillas, aboard Castro's plane to New York, all of which were made possible by Alpert's contacts with Third World countries reluctant to deal directly with the American networks. The arrangement has been satisfying to both sides. "One of the nice things about NBC is that they let us tell our own story," says Alpert. "Though we're plugged into the system, it's our particular story and our way of telling it." Ed Planer, NBC vice president for news coverage, describes Alpert's work as "outstanding." At the same time, he says, the network entered into its arrangement with Alpert only because of his access abroad; for anything else, "I can use my own people."

It is an argument that prevails generally at all three networks. Given their large staffs and the scant time allotted to public affairs, network executives reason they cannot use outside material without laying off their own people. But the plaintiffs argue that such economic considerations are unimportant in light of the larger questions raised by the networks' general refusal to deal with outsiders. "The 'marketplace of

ideas' concept—the First Amendment ideal—is being severely impeded by this policy," says lead plaintiff Levitch. "The networks are terribly centrist organizations, top-down directed," he says. Their exclusionary practices "eliminate differences in quality, style, and perspective." Levitch claims that the dearth of Jon Alpert's on TV (his arrangement with NBC is unique in network news) has deprived the viewing public of a fully rounded picture of events in such places as Vietnam or, more recently, Iran.

To Floyd Abrams, the proposed cure is worse than the disease: "I agree there are risks of under-inclusion—the risk of seeing good programs left off the air—but it seems to me that to say such programs must be broadcast is to ignore the single greatest First Amendment lesson—that we can't trust the government to make those types of decisions." The plaintiffs' arguments, he says, "lead inexorably to having some government decision-maker determining that something broadcast is not put on with enough vigor. These arguments are the same that any repressive government makes in imposing censorship."

Whatever the lawsuit's outcome—and, if not dismissed, it could drag on for years—Levitch *et al. v. CBS et al.* is another manifestation of the independents' new confidence. In 1978, their lobbying on Capitol Hill resulted in passage of legislation requiring that a "significant" share of public TV's funds be earmarked for independents. The *Levitch* suit extends that offensive into the commercial arena, where the potential rewards are much greater.

But so is the resistance. From the days of Murrow, the networks have regarded their news departments as a dependable provider of prestige. That has never been truer than it is today, when the seemingly heightened interest in news has made competition in public affairs programming especially fierce. If the networks do eventually give over more air time to outside material, it will very likely be due to circumstances beyond their control. ■

# Check out your sexism:

*Stylebook revisions have eliminated linguistic sexism in the news media. True or false?*

*Hiring more women is the key to equal treatment in news coverage. True or false?*

*Sexism in news copy reflects sloppiness and can be corrected by greater professionalism. True or false?*

*False. False. False.*

*Sexism in the news reflects sexism in the mind. Language, that wonderful instrument that transmits thought, is all too efficient at revealing ideas we don't even admit we have, as both Shakespeare and Freud—among others—have told us. If the goal is to eliminate sexism in news coverage, then sexist as-*

*Jean Ward, an associate professor of journalism at the University of Minnesota, formerly was a staff writer for The Minneapolis Tribune.*

*sumptions must be eliminated—a stickier proposition than merely revising the stylebook.*

*Critics of media sexism have offered a remedy: employ more women reporters, editors, and producers and sexism will wither away. Not likely. A number of the sexist sentences in the accompanying test bear bylines of Jane, Meg, and Liz. And the test includes examples from Time, where the masthead lists only two of eighteen copy editors with male names.*

*If the obvious remedies are ineffective, a difficult job lies ahead: keep thinking and examining our everyday language to see what subtle bias is embedded in it. In that spirit, drawing on twenty of the less blatant examples in the print media, the following test is offered. Match the excerpts from news accounts below to the sexist presumptions they reflect. (In some cases, more than one presumption may apply.)*

## A journalist's guide to sexist presumptions

- A.** All people are male unless proven female.
- B.** A woman's relationship to a man (or men) is her defining identity.
- C.** A woman's appearance always requires comment, whether she defies or exemplifies a popular stereotype.
- D.** A woman can safely be identified as "his wife"; it is unnecessary to identify her by name.
- E.** Although stylebooks prohibit words with grafted feminine endings and such designations as "coed," ignore the rule if that suits you.
- F.** After marriage, a man remains a man and a woman becomes a wife.
- G.** Homemaking and parenting are not work.
- H.** It is newsworthy when a church member, parent, and neighbor is successful in business or the professions, provided the successful person is a woman.
- I.** Status as housewife takes precedence over all other kinds of status.
- J.** Events in a woman's life must be identified as A.M. (Ante Marriage) or P.M. (Post Marriage).

## Measure your SQ (sexism quotient): A test for the 1980s

*Match the examples below to the preceding sexist presumptions.*

1. The "documentary" delightfully explores the rivalries between different orchestral sections, as well as some of the personal ones, like the feud between a woman cellist who takes nips from a whiskey bottle and a violinist she accuses of molesting little girls.

*The Minneapolis Tribune 11/14/79*

2. An Illinois man and wife were charged here Tuesday with illegal possession and intent to sell about 12 pounds of hashish worth about \$30,000.

*AP 10/11/79*

3. At 38, she is still a stunner, with a robust sense of humor, a throaty, husky laugh and green eyes that sparkle like gemstones.

*AP 10/10/79*

4. To her neighbors in the Baltimore suburb of Towson, Md., Jean M. Kirk is simply a pleasant,

church-going, working housewife and mother of four. But then there's the T. Rowe Price Associates Inc. business card that carries the title of assistant vice president.

*The Wall Street Journal 11/13/79*

5. The death penalty will be sought against a 24-year-old South Side man who pleaded guilty Tuesday to kidnapping, raping and murdering a doctor's wife last year, prosecutors said.

*Chicago Tribune 10/10/79*

6. San Francisco inducted its first group of homosexuals into the Police Department Tuesday. Nine women and 16 minority race recruits also were in the class of 50 cadets.

*UPI 11/14/79*

7. Patricia Hearst Shaw, the newspaper heiress and pardoned bank robber, appeared Thursday

# a quiz for journalists

by JEAN WARD



Kimble P. Mead

with women's rights activist Gloria Allred at a Los Angeles news conference on battered women—one of her first public appearances since her marriage April 1. Ms. Hearst—who says she prefers using her maiden name—was kidnapped by the Symbionese Liberation Army in 1974 and convicted of participating in a bank robbery with SLA members.

*Los Angeles Times* 7/6/79

8. In fact, though no one ever talks about it very much, booze has played as big a part in the lives of modern American writers as talent, money, women, and the longing to be top dog. *Commentary* 3/76

9. **Headline:** REENTERING COLLEGE: OLDER WOMEN BATTLE TO BECOME COEDS AGAIN

*Los Angeles Times* 9/9/79

10. Hernando Williams stunned a Criminal Court room Tuesday by pleading guilty to the 1978 abduction and murder of Linda Goldstone, the wife of a North Side doctor. *Chicago Sun-Times* 10/10/79

11. The Etelsons were married in 1950, and for the first years of their marriage, Mrs. Etelson operated a cafeteria in an industrial plant. She stopped working between 1958 and 1961 to care for her two young daughters. *The Wall Street Journal* 5/4/78

12. **Cutline:** A woman Sandinista guards wounded guerrillas fleeing a clash with Somoza forces. *Time* 7/2/79

13. Thatcher—"Maggie" to her friends and to Fleet Street, "Mrs. T" to politicians outside her in-

ner circle, and "the Blessed Margaret" to the Conservatives' resident wit, Norman St. John-Stevas—is a small, fine-boned woman, with pale blue eyes, the kind of complexion the English always liken to a rose and hair that she readily admits to dyeing blond.

*The New York Times* 4/29/79

14. LONDON—Legal history was made when a man was granted a high court order restraining a woman neighbor from enticing away his dog, a Pharaoh hound called Kinky. *Los Angeles Times* 8/30/79

15. Mundal, Norway—On a summer's day in 1856, a farmer named Fredrik Mundal, his wife and their 6-year-old son, Ole, set out on a long and perilous journey from this remote village of 400 people, nestled beneath the mighty Jostedalsbre glacier along the spectacular Fjaerlands Fjord.

*The New York Times* 4/16/79

16. (*Regarding a bill regulating marital conduct:*) Parliament, by an overwhelming majority, shelved the bill for six months. For the time being, therefore, Kenyans may continue to slap as many wives as they can afford. *Time* 8/6/79

17. **Headline:** WOMAN PHOTOGRAPHER WINS SMITH SABBATICAL *The Minneapolis Tribune* 5/9/79

18. For most farmers, a wife is an immense asset as a livestock feeder, errand-runner and extra tractor-driver. But Mr. Nelson's wife, Leona, is more than that; she ran the farm single-handedly five days a week for 20 years. *The Wall Street Journal* 5/22/79

19. Anne Millard doesn't fit most people's idea of a farmer. She stands just over 5 feet tall and, in her work clothes, weighs somewhere around 110 pounds. But she owns 800 acres in Cottonwood County, farms 480 of those herself and raises chickens, hogs and cattle. Not bad for a 60-year-old widow. *The Minneapolis Tribune* 12/5/76

20. **Headline:** DEATH ENDS SPINSTER'S FIGHT AGAINST AMPUTATION *The Minneapolis Star* 5/2/78

## Answers to quiz

1. A	5. B	9. E	13. C	17. A
2. F	6. A	10. B	14. A	18. A, I
3. C	7. E, J	11. G, J	15. D	19. B, C
4. G, H	8. A	12. A	16. A	20. B.

*Rate your sexism quotient this way:*

- 0-12 You were brave to try.
- 13-17 Have lunch with a feminist—Dutch treat.
- 18-22 Take a course in women's studies.
- 20-23 You're getting there; keep thinking.
- 24-25 You should be an editor.

# Monopoly games—where

‘Failing’ papers, preserved by Congress, are raking in profits—and rubbing out competition. Trial’s in two cities show how it’s done

by STEPHEN R. BARNETT

Ten years ago this July, Congress succumbed to a lobbying blitz by the newspaper industry and passed that far-reaching and deeply enriching law called the Newspaper Preservation Act. Sold as a way to stem the tide toward one-newspaper towns, the NPA created a special exemption from the antitrust laws for “joint-operating agreements” between the owners of two daily newspapers in the same city. In these agreements the two publishers get together to fix advertising rates and split profits—merging their papers economically and creating a shared monopoly—while maintaining separate news staffs and editorial policies. There were twenty-two such combinations, involving forty-four papers, when the NPA was passed. New combinations can also get the act’s exemption if the attorney general of the United States gives his consent, as Attorney General Benjamin R. Civiletti did last November for a twenty-third combination between *The Cincinnati Post* and *The Cincinnati Enquirer*.

Ten years after the act’s passage, the forty-four “original” papers have indeed been “preserved,” though there is no way of telling whether the act was needed to accomplish this for any of them. What the act has surely done for these papers is make all their owners a good deal richer, at the expense of advertisers and media competitors, and it has helped them smother whatever newspaper competition still exists or might revive in their territories.

Legal action under the NPA has recently burgeoned, and the way the act is used in the coming years may mean a lot for the future of newspaper competition. That future now hangs in the balance. The well-known trend toward monopoly has left about thirty-four cities with full competition between general-circulation dailies. But these include the largest cities in the country, containing some 12 percent of the population. Moreover, the recent revolution in newspaper

technology has lowered production costs in a way that dramatically improves the chance for competition. There is now a real possibility, if technology and the market are allowed to operate, that monopoly cities may become competitive again. Much is riding, therefore, on how the Justice Department deals with efforts by monopoly-seeking publishers to win approval under the NPA for new joint operations—such as the one recently blessed by the attorney general in Cincinnati.

In contrast to Cincinnati, an agreement previously approved by the attorney general in Anchorage, Alaska, has recently come apart, giving way to what Justice was sure could never happen: real newspaper competition in that city (see box, page 42). And two of the original joint operations, in San Francisco and Honolulu, now find themselves under legal attack by antitrust plaintiffs challenging their claim to the NPA’s exemption. A trial of the San Francisco case ended in a hung jury in January; a retrial is set for January 1981.

Thus, a decade after the NPA’s passage, the issues it raises seem as crucial and controversial as ever.

**E**nactment of the NPA (originally called the Failing Newspaper Act) was triggered by the Supreme Court’s 1969 decision in the *Citizen Publishing* case, involving the joint-operating agreement between *The Arizona Daily Star* and the *Citizen* in Tucson. The Court predictably ruled that the price-fixing and profit-sharing parts of the agreement violated the antitrust laws, whereupon the Tucson publishers and those involved in the other twenty-one combinations rushed to Congress to erase the handwriting from the wall.\* They argued that joint operations were necessary so the stronger paper could keep the weaker one alive. A city was better off with separately owned papers that had merged economically but maintained separate news-and-editorial operations, they said, than it would be with a single paper or with two papers under a single ownership.

Opponents of the act—including Justice and the FTC, plus newspaper unions and small publishers and assorted others—challenged the need for such mutilation of the antitrust laws. They noted that the publishers pushing the legislation refused to make public the financial data on their allegedly failing papers. They asked why it followed that because a paper was failing when a joint operation “was first entered into”—in the

\*The other twenty-one combinations were, and are, in the following cities: Birmingham, San Francisco, Miami, Honolulu, Evansville, Fort Wayne, Shreveport, St. Louis, Albuquerque, Lincoln, Columbus, Tulsa, Pittsburgh, Knoxville, Nashville, El Paso, Salt Lake City, Madison; Charleston, West Virginia, Franklin-Oil City, Pennsylvania, and Bristol, a river town that straddles the Virginia-Tennessee border.

Stephen R. Barnett is a professor of law at the University of California, at Berkeley.

# failures win big

1930s and '40s, in many cases—that paper needed an antitrust exemption in order to survive in 1970, and a perpetual exemption at that. They also asked why a paper shouldn't be allowed to fail so a more vigorous competitor might take its place. And they charged that the NPA, despite its name, would actually choke off newspaper competition, since the monopoly power it gave the combined publishers would let them structure their ad rates to soak up revenues that might otherwise go to competitors (see box, page 44).

Whatever the merits of the arguments, there was never much doubt what Congress would do. The NPA passed both houses by whopping majorities and was signed into law by President Nixon who undercut his own Justice Department to back the bill in Congress.

## Greedy anniversary!

In its first decade, one thing the act has clearly done is feed the cancerous growth of newspaper chains. Jointly operated papers, with their lush profits, legally sanctioned perpetual monopolies, and safety-in-partnership against competitive threats, are especially tasty prey for the chains. Of the forty-four papers engaged in joint operations in 1970, seven have since been acquired by chains—five by the omnivorous Gannett, one by Knight-Ridder, and one by Pulitzer. There weren't that many to stalk, since fifteen of the forty-four papers were already under chain ownership when the act was passed (seven were owned by Scripps-Howard, two each by Newhouse and Lee, one each by Knight, Hearst, Cox, and Block). In addition, the new joint operation in Cincinnati is a chain marriage, joining Scripps-Howard's *Post* with Gannett's *Enquirer*.

Thus, a law justified as increasing the number of separate newspaper owners has subsidized the elimination of separate newspaper owners. If Congress should ever want to protect independent newspaper ownership against total extinction at the hands of chains, one elementary and constitutionally kosher step would be to deny the antitrust exemption of the NPA to papers owned by chains.

Almost as if to mark the tenth anniversary, the first full trials have recently been conducted under the NPA. The attorney general's hearing on the new joint operation in Cincinnati, together with the antitrust trial on the old joint operation in San Francisco, both produced rare public looks at the finances and management history of "failing" papers—disclosing, in effect, recipes for failure. Both raised questions about the role of the Justice Department in the newspaper failure business. Both may set patterns for the future treatment of new and old combinations under the NPA, and hence for the overall future of newspaper competition in the U.S.



In September 1977 *The Cincinnati Post*, an evening Scripps-Howard paper, and *The Cincinnati Enquirer*, a morning-and-Sunday paper now owned by Gannett, asked the attorney general to declare the *Post* "in probable danger of financial failure" under the NPA and approve their proposed joint operation. The attorney general convened a hearing (the first under the act), which was held in Cincinnati before an administrative law judge and ran for some seven weeks in the fall of 1978. Opposing the proposed combination were the International Typographical Union and The Newspaper Guild, two independent groups of employees, and a chain of suburban weeklies. Also participating was the Antitrust Division of the Justice Department, of which more later. When the evidence was in, the various parties made recommendations to the judge (Antitrust recommended approval of the joint operation); the judge wrote a report to the attorney general (recommending approval); and, on November 26, 1979, Attorney General Benjamin Civiletti issued his decision agreeing with the judge and approving the combination. A court appeal was aborted, and the government-anointed monopoly took over in Cincinnati in December.

Crucial to the *Post*'s successful claim of failure was the fact that it was indeed losing money. Even after adjustment for large overcharges by Scripps, the *Post* sported annual losses beginning in 1972 and continuing to the time of the hearing: \$474,000 in 1972, \$1.5 million in 1973, \$3.7 million in 1974, \$1.9 million in 1975, \$958,000 in 1976, and \$1.1 million in 1977. These were pivotal in persuading Antitrust and the judge to award the *Post* the palm of failure.

A closer look at the Cincinnati story, however, raises doubts about how these handsome losses were produced and how Justice goes about judging such a case.

Featured prominently in the story are two old stand-

bys of the newspaper industry: the competitive torpor of the Scripps-Howard chain, and the antitrust lethargy of the Justice Department. It was Scripps which pioneered the joint-operation concept, in Albuquerque in 1933, and seven of the twenty-two combines that Congress favored in 1970 involved Scripps papers. In Cincinnati, however, Scripps first tried a different way to stop competition between its *Post* and the *Enquirer*: in 1956, it simply bought control of the *Enquirer*. Alert as ever, the Justice Department filed suit to undo the acquisition—in 1964. Seven years later, Scripps, having signed a consent decree with Justice, finally sold its interest in the *Enquirer*.

On Justice's own theory, the fifteen years that dragged on with Scripps in control of the *Enquirer* probably dealt the death blow to newspaper competition in Cincinnati. The *Enquirer* published a Sunday paper, while the *Post* did not. This gave the *Enquirer* a crucial competitive edge, and Scripps recognized that if the *Post* were to compete effectively in the long run, it would have to start its own Sunday paper. In the late 1950s and early 1960s, as the Antitrust Division stated, the *Post* might well have done that successfully

(its circulation in 1960 was 273,000, against the *Enquirer*'s 218,000). But Scripps did not start a *Sunday Post* during that period, or even consider doing so. And the reason, as Antitrust acknowledged, was that Scripps then controlled the *Enquirer*.

Beginning around 1970, after Scripps had agreed to let go of the *Enquirer*, Scripps executives did consider starting a *Sunday Post*. They decided not to. As late as 1976, Scripps's market research consultant and the *Post*'s business manager recommended a detailed study on launching a *Sunday Post*, but Scripps refused to spend the \$9,000 the study would cost.

Antitrust and the judge both went along with Scripps's explanation that, despite the recommendations, "by the 1970s the opportunity to start a Sunday edition with a reasonable probability of success had been lost," so it was reasonable of Scripps not to try.

#### ***Sell a failure? Never!***

In fact, Scripps had a better idea. Its goal from the time it gave up control of the *Enquirer* was a joint operation with the *Enquirer*. "At least as early as 1970," the judge wrote, "Scripps was of the view that

## **The Anchorage 'failure'**

Before Cincinnati, the only joint-operating agreement approved by the attorney general under the Newspaper Preservation Act was the 1974 combination of the *Daily News* and *Daily Times* in Anchorage, Alaska. The liberal *News* (then-circulation: 15,000), the only morning paper in Alaska, was hemorrhaging money; the conservative and prosperous *Times* (then-circulation: 43,000) was apparently going to keep it alive; and Attorney General William B. Saxbe approved the deal without even holding a hearing.

But the agreement was heavily one-sided—the *Times* took over the *News*'s biggest asset, the city's only Sunday paper—and proved even more so in operation. Finally, the *News* sued the *Times*. In October 1978 the suit was settled. The *Times* paid the *News* \$750,000, and the parties agreed to terminate the joint operation as of April 1, 1979.

The *News* in October 1978 seemed left for dead. Its circulation was down to 12,000 (against 47,000 for the *Times*); its advertising was down; its Sunday paper was gone. Moreover, since the *Times* had handled all the production operations, the *News* was nothing more than a shell enclosing a tiny news and editorial staff. Its owner, Katherine Fanning, had six months to acquire a building and presses, set up advertising and circulation operations, and otherwise get the paper in shape to go out on its own come April 1979.

It would have been hard to conceive of a more "failing" paper. The Antitrust Division had told the attorney general in 1974: "It is likely that the *News* would be in a completely untenable position if the *Times* management ever began to publish a competing Sunday paper." Surely no sophisticated publisher would have bought the *News*—shorn of its Sunday paper—at the end of 1978.

That is just what C. K. McClatchy, head of the Sacramento-based newspaper and broadcast chain, did. In January 1979 he acquired an 80 percent interest in the *News*. In a spasm of activity he and Fanning bought a building, installed

new presses, hired new production staffs, and published the *News* from its own plant on April 2, 1979.

Still, how to get business? McClatchy put his money on journalism, hoping that if readers came, advertisers would follow. He enlarged the *News*'s local news staff from ten to twenty-five, opened up its news hole dramatically, and signed up supplemental news services and other features.

The *News* has made a striking turn-around, at least in circulation. From 12,000 last April, its net paid circulation rose by mid-December to 30,000, according to McClatchy and Fanning. McClatchy concedes that advertising, though up dramatically since April, has not yet matched the circulation rise. The *News* plainly is still losing money, but McClatchy predicts that the advertising will come and that Anchorage will prove able to support two competing papers.

Significantly, McClatchy says his venture with the *News* "would have been out of the question with the old newspaper technology." The new technology of computer typesetting and offset printing "dramatically lowers the start-up costs and makes it much easier to come close to breaking even" with a competing paper.

Whatever its outcome, the Anchorage story says something about the willingness and ability of new ownership to take over even a certifiedly "failing" paper and run it competitively. Maybe this news will eventually reach the Justice Department. In the Cincinnati case, the Antitrust Division agreed with one of Scripps's expert witnesses—having none of its own—that since the *Cincinnati Post* (1) was losing money, (2) was losing circulation, (3) lacked a Sunday paper, and (4) was the "junior paper in a competitive market," it was "extremely unlikely that the *Post* could be sold to a third person who would operate it as a separate commercial entity. . . ."

Of course, Cincinnati is not Anchorage. For one thing, it's a lot bigger.

*S.R.B.*

profitable operation of the *Cincinnati Post* was highly unlikely without a joint operating agreement." In 1971 Scripps focused on a joint operation, in 1972 or 1973 it decided to negotiate for one, in 1974 it began negotiating, and in 1977 it signed the agreement with the *Enquirer* and laid it at the feet of the attorney general.

**A**s the hearing began in Cincinnati, Scripps issued an ultimatum. It had made no efforts to sell the *Post*, flatly announcing that "the *Post* is not for sale," and now the Scripps board of directors stuck it right to the Justice Department by declaring that if the application for a joint operation was denied, Scripps would close the *Post* down. Told to take it or leave it, Justice took it. Antitrust concluded, and the judge agreed, that the NPA imposed no duty on Scripps to seek a buyer for the *Post* before having it proclaimed a failure.

Possible new ownership aside, was the *Post* a failing paper in 1977 or 1978? Its circulation had declined from 252,000 in 1964 to 189,000 in 1978, while the *Enquirer's* remained steady around 188,000 to 190,000. The *Post* fell behind for the first time in 1977, but by March 1978 had regained the lead. In advertising lineage, the *Post* had lost its lead over the daily *Enquirer* in 1973, and by 1977 was behind by about 10 percent. Ahead by a nose in circulation, behind by a neck in advertising, the *Post* was scarcely out of the race—assuming that it wanted to run.

True, there were those losses from 1972 on. But having settled by that time on a joint operation, Scripps had every reason to shape its financial results to please the attorney general. The refusal to explore a Sunday edition was only one of several business decisions during this period that smelled of self-immolation. Another was the *Post's* failure in November 1977 to match a price increase by the *Enquirer*, even though the two papers had been raising their prices in lock step since at least 1957. The judge determined that if the *Post* had matched the *Enquirer's* 1977 boost, this would have produced an increase of more than \$1 million in the *Post's* annual circulation revenues—enough to cut deeply into those handsome deficits that the *Post* was simultaneously flaunting to Justice.

The Antitrust Division showed little concern about the whole pattern of possible self-destruction in the *Post's* business decisions. The judge was suspicious and troubled, but he could only conclude resignedly: "Although the record reflects that at least some of Scripps' decisions regarding the *Post* were influenced by Scripps' recognition of a joint operating arrangement as a possible solution, it does not support a conclusion that this was so pervasive and overriding a consideration as to lead Scripps deliberately to make the *Post* a failing newspaper."

#### Antitrust—too late with too little?

As the first run-through of the Justice Department's full procedure for ruling on "failing newspaper" applications under the NPA, the Cincinnati case raised ma-

Your competitor  
agrees  
to merge.

Advance  
to Failure.

Donna Moody

jor questions about the role of the Antitrust Division. Antitrust is a full-fledged party to these hearings, and it staffed this one with ample numbers: three full-time lawyers, plus a paralegal and a secretary. Moreover, lawyers for the parties opposing the joint operation agree that the Antitrust lawyers did an excellent job of cross-examining Scripps's witnesses and otherwise trying the case, "once they got there."

What Antitrust did not do was prepare the case adequately or put on witnesses of its own. Scripps put on four expert witnesses—two from the newspaper industry and two economists—plus Scripps's outside accountant and several of its financial, production, and editorial executives. But Antitrust, despite an earlier letter promising to "present witnesses and . . . cross-examine other parties' witnesses, to the extent necessary to assure the full development of the record," presented no expert witnesses, indeed no witnesses at all, save for an assistant to the financial vice president of Scripps. Since the parties opposing the joint operation were either unable or unwilling to pay for expert witnesses, there was no one to contradict the testimony of Scripps's experts about the inevitability of newspaper monopoly, the inability of Cincinnati to support competing papers, and the absence of feasible alternatives to the joint operation. Antitrust itself in its recommendations to the judge parroted some of the key positions of Scripps's experts.

**T**he Antitrust lawyers were also unprepared to deal adequately with the complex accounting questions the case turned on. They brought no accountant even to advise them, let alone testify. Belatedly, on the eve of the hearing, the Antitrust lawyers discovered an "incremental cost" accounting theory which, applied to the dealings between Scripps and the *Post*, could have remade the case. They argued the theory themselves, but never produced the expert witness needed to make it fly. In rejecting the theory, the judge pointed out the lack of a witness to support it.

Gerald A. Connell, the chief Antitrust lawyer at the hearing, says he did try to get an accounting expert to testify in support of the incremental cost analysis. It

proved impossible, he says, "because we were just too late in coming up with that theory." Connell says the theory wouldn't have changed the result in Cincinnati anyhow, a view disputed by lawyers for at least one of the other parties.

I asked Connell why he didn't offer any expert witnesses on the newspaper industry or its economic structure. He replied: "We didn't see anything in the facts to lead us to doubt what the Scripps experts had to say, so we saw no need to produce our own witnesses."

The role of the Antitrust Division aside, the Cincinnati proceeding deserves wonder. Here we have the attorney general of the United States deciding whether to grant or deny to two newspaper publishers—Scripps and Gannett, both big chains—a special legal privilege that will bring them millions of dollars a year, very possibly forever, and that gives them in every practical sense the monopoly license for the daily newspaper business in Cincinnati. Anyone who thinks the First Amendment assumes an arms-length relationship between government and press may find this difficult to explain.

### San Francisco: Justice nods

San Francisco is the largest city with a joint operation. The combination there between the morning *Chronicle* and the Hearst chain's evening *Examiner* was agreed to in 1962 and put into effect in 1965. Until then San Francisco had three papers: the *Chronicle* and the *Examiner* competed in the morning (and on Sunday), and Hearst also published the *News Call Bulletin* in the evening. The agreement between *Chronicle* and Hearst involved not just mating two papers but killing the *News Call* and switching the *Examiner* from morning to evening. In return for leaving the morning field to the *Chronicle*, Hearst got a 50-50 split of all profits (though the *Examiner*'s circulation is now less than one-third the *Chronicle*'s).

From its inception, the San Francisco combination has been the target of private antitrust suits, brought by small competing papers and advertisers. In passing the NPA in 1970, Congress obligingly made it retroactive to undercut the suits then pending. Since the act's passage, however, both old and new suits have claimed

## Combination ad rates: the monopoly stinger

The economic linchpin of joint-operating agreements is the combination advertising rate. This is the device by which the combined publishers—or, likewise, a single publisher owning two papers, either morning-and-evening or daily-and-Sunday—keep the collar on advertisers and prevent them from dallying with any competition that may exist.

The ploy is to use the monopoly power created by the agreement to raise the ad rates for both papers, but especially for the stronger of the two—the one the advertisers really need. The "combination rate" then offers space in both papers for only a small amount more than the bigger paper alone. The "bargain" is too good to pass up. Although today the combination usually is not "forced"—advertisers remain free to take either paper alone—it effectively compels them to take both papers, including the weaker one which they might otherwise pass up in favor of a competitor.

Under such rates, it appears to be common for close to 100 percent of advertising to run in both papers jointly. And since few advertisers have money left in their ad budgets to take both papers *and* a third one, competition is kept out of the market. The weaker paper, no matter how tired its management or poor its journalism, is shored up as a sentry against potential competition, while the joint rate is set high enough to keep both publishers fat and happy when they split the pooled profits on a pre-set ratio.

The strategy of combination rates was spelled out candidly in documents placed on the public record in 1975 in newspaper litigation in San Francisco (and now in the files of the FTC). These were two 1964 memos from Sawyer-Ferguson-Walker (a national ad rep firm whose clients include some forty major newspapers), advising the *San Francisco Chronicle* how to set the rates for the forthcoming combination. The advice given—and followed, both in the initial rates for the combination and in those prevailing today—featured these precepts: (1) "As to the rates to charge, naturally a forced combination would be the best for us. If this is impossible, it

would be desirable to charge as close to a forced combination as is legally possible"; (2) "The trick is to charge as much as possible for your larger paper. If it is close enough to the combination rate, it makes little difference what you charge for the weaker paper"; (3) "Keep the rates for the combination close enough [to the morning rate] so that the combination will be a *must buy*, thus insuring that San Jose and Oakland can't chip away at the weaker paper."

Combination rates have probably been a major contributor to newspaper monopoly, enabling both single monopolists and joint operations to stifle existing and potential competition. And the damage they do is growing. As the new newspaper technology reduces production costs and creates a new chance for competition, combination rates become increasingly important to entrenched publishers as a way to block new competitors from obtaining the ad revenues they need to survive.

The Justice Department knows about combination rates. In approving the 1974 joint operation in Anchorage it noted their possible illegality, and in the Cincinnati case it observed that the *Enquirer*'s Sunday-weekday combination had helped to reduce the *Post* to "failing" status. But Justice still does nothing.

To the extent that they suppress competition, combination rates are not protected by the Newspaper Preservation Act. If the rate structure would be illegal in the hands of a single owner of two papers, it is illegal in the hands of a joint operation. A legal attack on such rates would not be easy; it would have to contend with the Supreme Court's misguided 5-4 decision upholding combination rates in the *Times-Picayune* case in 1954.

But *Times-Picayune* did not involve a monopoly, and the law has changed considerably since then. There is reason to think an attack today could prevail. It might be the most effective step that could be taken toward maintaining and restoring newspaper competition in American cities. *S.R.B.*

that the San Francisco dailies don't qualify for the NPA exemption because they didn't meet the act's "financial unsoundness" test when they combined in 1965. (This standard for the original twenty-two combinations is more lenient than the "financial failure" test for new combinations seeking the attorney general's approval.)

**H**earst and Chronicle settled a number of suits in 1975 (I was counsel for the plaintiff in one of them, the weekly *Bay Guardian*), but a new crop sprang right up. These were brought by the *Pacific Sun*, a suburban weekly whose San Francisco edition allegedly fell victim to the combined dailies' ad rates, plus the *Berkeley Barb* and a group of advertisers. A six-week trial of these cases before federal Judge William A. Ingram ended in January in a three-to-three hung jury.

(Meanwhile, a similar suit was filed in Honolulu last year against the jointly operating *Star-Bulletin* and *Advertiser*, brought by the city and county of Honolulu as a buyer of legal advertising. In December federal Judge Jesse W. Curtis refused to dismiss the case, ruling that it must go to trial to see whether the papers met the NPA's financial unsoundness test when they combined in 1962.)

Though the San Francisco combination was one of the twenty-two in force in 1970, the Justice Department nonetheless had been handmaiden to its creation. Chronicle and Hearst made their agreement in October 1962 and then, either voluntarily or because Justice got wind of it, decided to seek some assurance that the government wouldn't sue them if they went ahead with their plan. In 1965 the Antitrust Division, after demanding all relevant documents, indicated to the publishers that it was unwilling to give such assurance and recommended to the attorney general that a suit be brought.

But Chronicle and Hearst kept pressing Justice—in secret, of course—and finally Attorney General Nicholas Katzenbach decided to give them a qualified go-ahead. He signed a letter stating that it was not Justice's "present intention" to sue them if they went ahead, but reserving the option to do so in the future. Judge Ingram at the recent trial ruled that this letter gave the combine no legal protection. It was, however, what Chronicle and Hearst needed in order to proceed—which they did in September 1965, within days after getting the nod from Katzenbach.

#### Enter an iconoclast

At the recent trial the expert witness for Chronicle and Hearst was James N. Rosse, a Stanford economics professor who views newspaper monopoly as generally inevitable. Rosse had also testified for Scripps in the Cincinnati case. This time, however, there was an opposing expert: John R. Malone, a newspaper industry consultant and sometime publisher who iconoclastically believes in competition. It made a difference.

Under the NPA's financial unsoundness test, it was



pretty much agreed at the trial that Hearst's *News Call Bulletin*, considered alone, was unsound in 1965, and that the *Chronicle* was not. The issue was the *Examiner*: Was it in 1965, either alone or combined with the *News Call*, "likely to remain or become a financially sound publication"?

The overall finances of the Hearst Corporation were considered irrelevant and not disclosed at the trial. (The NPA, in its solicitude for chains, requires that the financial health of a paper be evaluated "regardless of ownership or affiliations.") But it was held relevant that Hearst had taken out of the *Examiner* profits totaling more than \$35 million over the years 1947 through 1959. Hearst put none of this back, and in particular did nothing to replace or modernize the *Examiner's* antiquated plant. Meanwhile, the *Chronicle* during the late 1950s was coming on strong, using revenues from its San Francisco TV station to finance below-cost circulation and advertising in its drive against the *Examiner*.

**I**n 1960 the *Examiner* suffered its first loss, \$1.4 million. In 1961 it suffered its peak loss, \$2.7 million, and in 1962 it lost its circulation lead to the *Chronicle*. Meanwhile, in the summer of 1962 the two publishers started talking about a joint operation, and they made their deal in October. At that time the *Examiner* still led the *Chronicle* in advertising lineage and revenues.

The *Examiner* continued to lose money through 1965, an average of about \$1.5 million a year for the period 1960–1964. These losses were the chief boasts of financial unsoundness.

The plaintiffs showed, however, that Hearst, like Scripps, had been milking its "failing paper" with a heavy hand. Overcharges laid on the *Examiner* by Hearst's corporate headquarters included \$300,000 a year for the fusty *American Weekly* Sunday supplement—from which the *Examiner* got not a cent of the ad revenue—and sales commissions to Hearst's in-house national advertising service that were two to three times as high as those charged by independent firms. Hearst's total known drain on the *Examiner* came to something like \$600,000 a year. *continued*

Still, even in 1965 the *Examiner* was in many ways a healthy and promising paper. Its circulation and ad volume were at all-time highs, and it still led the *Chronicle* in ad lineage and Sunday circulation. Malone testified that if Hearst had put some profits back into the *Examiner* to modernize its plant, it could have saved as much as \$2.1 million a year in operating costs, while competing more effectively to boot.

Together with the elimination of corporate over-charges, these savings would have wiped out the worst loss the *Examiner* ever claimed.

The plaintiffs' lead lawyer, Arthur J. Shartsis, told the jury that Hearst sought to make money "coming and going." After milking \$35 million from the *Examiner* in the postwar years and putting nothing back, Hearst took two years of resulting losses and then "went up the street and made a deal with the *Chronicle* to split monopoly profits fifty-fifty for another fifty years."

The defense responded that none of this mattered. The *Examiner* was financially unsound in 1965, and how it got that way was irrelevant.

## Internal memo: vital signs in an 'unsound' paper

*San Francisco Examiner*  
Democracy of the Nation

### INTER-OFFICE CORRESPONDENCE

To G. O. MARKUSON

From CHARLES L. GOULD

Date, APRIL 3, 1965

COPIES TO: R. A. Hearst  
Wells Smith  
Ed Becker

SUBJECT:

Dear Mark:

The hour of truth is on us.

And I fear what it will reveal.

I hope and pray that before this month ends, our Master Plan will receive the green light from the Justice Department.

Frankly, Mark, this has been the longest, most frustrating thirty months in my career. We have been forced to give employees, readers and advertisers a lot of double talk while we fought to keep the *Examiner* strong while also keeping our evening nest warm and clean against any eventuality.

The records prove conclusively that Hearst is a whale of a lot stronger in this community than some of us seem to realize.

Last year the *Examiner* published more than 40 million lines of advertising. More than 4 million more than the *Chronicle*.

We gained more than 3 million lines. 40 per cent more than the *Chronicle*.

We made our biggest gains in classified where we charge rates substantially greater than the *Chronicle*....despite the circulation disparity.

Our circulation is stronger than ever despite the handicap of inferior production facilities and despite the fact that the *Chronicle*'s unrelenting use of KRON-TV gives that paper a plus of tremendous importance.

I have no illusions about the headaches we will face if Plan X is scuttled,

However, I feel that the strength of this property can be utilized to turn a profit if we move with courage and determination the moment all are convinced that it is fruitless to pursue the golden carrot of togetherness.

On the crucial question of what the NPA means by financially unsound, the judge told the jury that the *Examiner* was financially unsound if it was not likely to make a profit "within a reasonable period of time." Malone testified that an adequate new plant would have done the trick in about three years. According to post-trial interviews with the jurors reported by John Donhoff, Jr., in the San Francisco journalism review *feed/back*, Malone was the jury's "most trusted expert," and all six jurors believed his three-year estimate. However, the three who voted for the defendants took the view—for reasons unknown—that three years was more than a reasonable time to have to wait.

#### **The golden carrot of togetherness'**

The most striking testimony to the *Examiner*'s soundness in 1965 was a document written by its then-publisher, Charles L. Gould (see left). In an April 1965 memo to his bosses at the Hearst Corporation—evidence coughed up by the defense only in the middle of the trial, and apparently never shown to Justice in 1965—Gould expressed fear that Justice would not give its "green light" to the joint operation. He therefore described the competitive strengths the *Examiner* still had, which he proposed to turn against the *Chronicle* "the moment all are convinced that it is fruitless to pursue the golden carrot of togetherness."

Gould noted that the *Examiner*'s circulation and ad volume were at all-time highs "despite the handicap of inferior production facilities," and that the *Examiner*'s ad lineage in the past year had exceeded the *Chronicle*'s by more than 10 percent and was gaining faster. He laid out a ten-point plan for competitive action which included combining the two Hearst papers, cutting the home-delivery price to meet the *Chronicle*'s, and suing the *Chronicle* for using its TV revenues to finance below-cost newspaper sales. He predicted his program would bring a "dramatic financial improvement" within fifteen months, even without the new facilities that would be needed to "win the San Francisco battle for the long pull."

Gould also spelled out in the memo the effect the pending agreement with the *Chronicle* had had on the *Examiner*'s competitive efforts since 1962. "For two years, five months and ten days," he wrote, "every action on our part has been clouded by the Master Plan"—Hearst's code name for the agreement. Specifically, Hearst had "shelved all plans for a new plant," "shelved all consideration of cannibalizing the evening paper to strengthen the morning," shelved a request for the presses from a paper Hearst had closed in Milwaukee, "aborted bold plans for promoting our combination," "softened some of our competitive attacks in the interest of not rocking the boat," "refused to make needed plant . . . improvements because of the imminence of the Master Plan," and released a key production employee "to take on the task of straightening out some of the competition's mechanical problems."

In the end, of course, Gould's forebodings were not realized. Attorney General Katzenbach delivered the

golden carrot. And it has been golden indeed. For the years 1966 through 1976, the average pre-tax annual profit from the San Francisco combination was \$3.7 million for the *Chronicle* and \$2.6 million for Hearst—a combined total for the period of more than \$70 million. Randolph A. Hearst testified that the joint operation has made the *Examiner* the most profitable paper in the Hearst chain.

The case is set for retrial next January, and lawyers for the plaintiffs say it will be retried. Of course, there is always the chance of a settlement, which Hearst and *Chronicle* can probably afford.

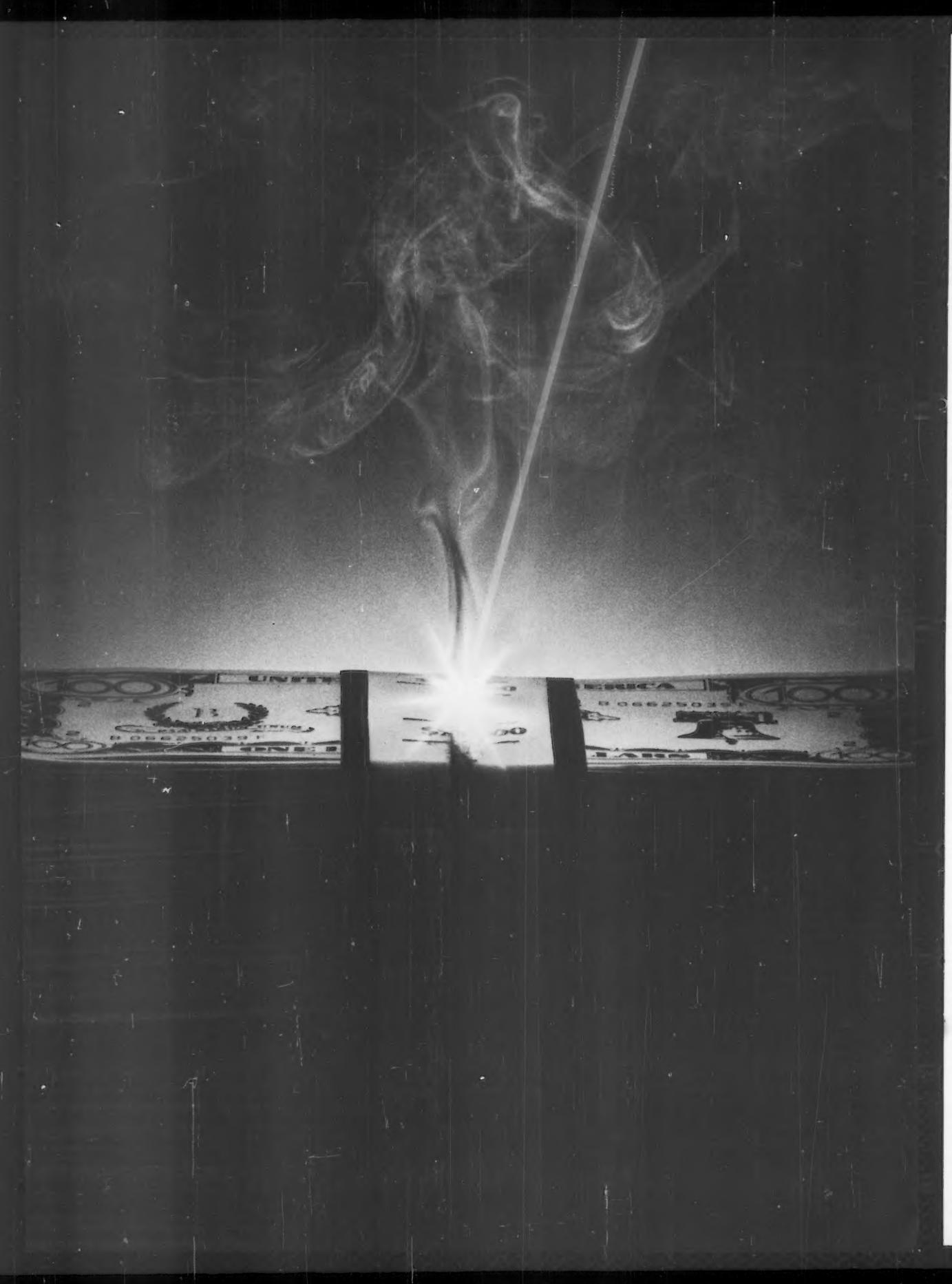
**V**iewed together, the Cincinnati and San Francisco cases provide how-to-do-it courses in newspaper failure. The self-wounding actions taken by Hearst after the 1962 agreement, laid out in all their painful detail in Gould's memorandum, mirror the story of *The Cincinnati Post* in the years from 1970 when it was pursuing the "golden carrot of togetherness." Especially after two publishers have made their deal to end competition and are seeking the Justice Department's approval, it is hardly surprising that the "failing" paper pulls its competitive punches and develops a terminal case of P & L disease, the better to look pathetic before the tribunal that rewards failure.

The only effective remedy for this, in future hearings under the NPA, would be the one Justice refused to endorse in Cincinnati: a requirement of good-faith efforts to sell the allegedly failing paper. Then the claim of worthlessness would be put to the test of the market, and the chance of a purchase would give the paper's owner some incentive to maintain its competitive position and hence its price.

Of course, this assumes that Justice in future proceedings under the NPA will bestir itself to defend newspaper competition. The precedent set in a city as large as Cincinnati, where the Antitrust Division made no case at all against the proposed monopoly, is scary indeed. If Justice treats future pairs of monopoly-seeking publishers as gently as it did the linked chains from Cincinnati, the next decade of the NPA could see the government put its blessing on the end of newspaper competition in many of the cities that still have it.

In contrast, the San Francisco trial has demonstrated that an effective case can be made against the proponents of monopoly, if only one tries. The San Francisco and Honolulu cases indeed suggest that a number of the "original" joint operations under the NPA may be vulnerable for failure to meet its "financial unsoundness" test.

Since Congress is most unlikely to repeal the NPA, given the power of the newspaper lobby that produced it, a great deal depends on what the courts and Justice do with the act—and its opposite, the antitrust laws—in the years ahead. At stake is the second chance for newspaper competition offered by the new technology, and very possibly the last chance to stop the trend toward total monopoly in American cities.



# This is what lasers cut best.

Costs — manufacturing costs. Western Electric has many lasers at work.

And all are focused on one objective: helping the Bell System bring you the best possible telecommunications service at the lowest possible cost.

## **Lighting the way**

Western Electric gave the laser its first application in industry. In 1965, scientists at our Engineering Research Center designed a laser operation that vaporized holes through the diamonds used as dies for drawing copper wire. It turned a five-day drilling job into a 90-second flash.

It may sound simple, but it wasn't. There's much more to working a laser than "ready... aim... fire". Years of exhaustive research preceded that first laser-drilled diamond.

Every kind of laser reacts differently with different materials. A material that's transparent to natural light may be opaque to laser light, and vice versa. A laser that burns through one substance may have absolutely no effect on another.

Making *any* laser an industrial tool requires a host of experiments to determine not only which laser is best for the job, but how best to adapt it to the production process.

## **Spectrum of questions**

Complex questions of physics, chemistry, metallurgy, electronics and mechanical engineering must be answered and coordinated.

That's why there's a full-time laser studies group at our Engineering Research Center. It's the reason that Western Electric now uses lasers not only in drilling, but also in many other operations.

And these lasers are paying off — with better products manufactured for the Bell System at lower costs.

## **Light of the future**

Even with these uses, Western Electric has only begun to tap the laser's potential for telecommunications.

More applications are on the way. And they will bring more savings, more and better products made with laser technology.

Using lasers to cut costs is just one innovation from the Engineering Research Center. The Center's research in manufacturing techniques is an important part of Western Electric's total commitment to using the latest and the best in technology to keep the cost of your phone service down.

*Keeping your communications system the best in the world.*



**Western Electric**

# And that's the way it is

*A few days after announcing his impending retirement as anchorman of the CBS Evening News, Walter Cronkite sat down with Osborn Elliott, dean of the Columbia Graduate School of Journalism and former editor-in-chief of Newsweek, to talk about, among other things, broadcast journalism's past, present, and future. Here, excerpted from their two-hour conversation, are Mr. Cronkite's views on some of the topics they discussed.*

## **On TV reporters who are in the business for the wrong reason:**

There is a great body of people coming out of so-called "communications schools" who really don't seem to me to be qualified to be practicing journalists today. They've learned the techniques of broadcasting. But I have a great concern about their motivation. I'm afraid that they're being lured into thinking of this as a glamorous business—and perhaps by the money. They really want more to be personalities, stars if you will, than journalists. I don't think they've got that gut drive which is required for all good journalists . . . [that] feeling that this truth needs to be known.

## **On the superficiality of TV journalism, and what can be done about it:**

TV crews are assigned three or four stories a day—they dash into a story at the last minute. They can get all that they can use in a minute or a minute-and-a-half stand-up piece in a few minutes' time, barely checking for the who, what, where, when, and why, and seldom do they seem to cover even all the five W's. They never have an opportunity to organize a story down to the twentieth and twenty-third paragraph. You don't really recognize how to do a lead, how to get the best out of a story until you have to write the thing down to the very last paragraph. So I wonder about these people. I wonder what reporting in the next generation is going to be like. I think that we could solve this problem overnight if we got back to requiring print experience before going into television.

## **On the sins of consultants who tamper with the news:**

A lot of what's wrong at the local level has to do with the consultants who have tried to jack up television ratings by hyping the news. I've seen recommendations from consultants that say no story should run over thirty seconds, film clips should run twenty seconds if possible, the first film story has to be hit within the first thirty seconds of the broadcast, and all this sort of thing. This is, of course, absolute balderdash. When it gets down to a consultant dictating how the news is

handled, what is news in the community, and who are the types of personalities that should be on the air, I think it's really dangerous.

## **On the sins of local TV news:**

There's no question that the majority of local stations do a pretty poor job. They specialize on the easy visual, the fire; any old jackknifed trailer-truck makes a good story for them, whether anybody's hurt or not. Whereas they should be spending some time—a lot of time—sitting in City Hall, the county court house, the PTA, the school board, things like that. But those stories take a degree of journalism proficiency which a lot of the local stations don't have; and they are probably not the most audience-grabbing of all news stories.

## **On the sad and sedentary life of an anchorman:**

The idea of an anchorman being glamorous is a mistaken concept that should be corrected. My gosh, if you're stuck on that desk you're not available for all that good street reporting and all that good dashing around the world. That, I think, is where the glamour is, but maybe that's just because I'm an old-fashioned reporter.

## **On Abscam, and the ethics of the leak and the plant:**

I think in the case of Abscam it was more of a plant than a leak; there is some difference. I think a plant is a case where the leaker deliberately seeks out the press with forethought and intent to gain the maximum publicity on the story for one reason or another. A leak is after a story is already developing and people, perhaps inadvertently, let out facts through the pressure of very good reporting. Abscam smells to me much more like a plant. But, whatever, I think it's a despicable thing in our democracy when that very first assumption, that you're innocent until proven guilty, is denied.

## **On grand jury leaks:**

I've always felt that a grand jury leak is a rather horrible thing. Once it's known someone has been investigated by a grand jury, they're forever smeared. My policy as a managing editor is that if grand jury information is being leaked, I would have my reporter get everything possible—report it just as if it was going in the newspaper—and I'd put it in a file in my desk. Then, if the competition broke the story, I would follow up with what we know.

## **On what TV learned from covering the protests of the sixties:**

The first thing we learned was to make our presence as



Harvey Wang

unostentatious as possible—to avoid the lights if we could and to keep the cameras as hidden as we possibly could, to make our presence as invisible as we could possibly make it. We also learned, although the lesson has not been universally accepted, that a riot on one street corner does not mean that a whole city is in flames.

#### **On Tom Wolfe's book, *The Right Stuff*, and how the media treated the astronauts:**

To an extent we missed a story. But that wasn't really so much our fault as it was the fault of the space administration and the astronauts' exclusive contract with *Life* magazine. *Life* missed its own story and we were frozen out. They were telling only the happy side. All of us who were covering the story did know the peccadilloes of the astronauts and their life on Cape Kennedy to a certain extent. But I think there was some justification for not exploring their personal lives. I think that when a congressman gets so drunk he can't perform his services to the public, then it should be exposed. But I don't think this was affecting the astronauts' work and I don't think it was fair game at the time.

#### **On the assassination of John Kennedy:**

I wonder how much has been hidden that we don't know. I do know that I interviewed the late President Johnson, and he said to me that he had some feeling that it might have been a conspiracy, and then he asked that that be stricken—and we did, under some

duress, strike that. I've always thought that there was a second person involved in the thing, but not in the manner of a grand conspiracy. But I still don't believe, despite the House committee's investigation, the multiple gun theory. We did a long investigation of it ourselves. We spent almost a million dollars, and we could not establish that second gun thing—the man-on-the-knoll idea. But I wonder now, with the CIA plot to assassinate Castro, about the possibilities of setting up something of this kind for whatever international purpose. I'm not as happy as I once was with the Warren Commission Report.

#### **On covering political campaigns:**

All of us have been the beneficiaries of a new form of political journalism that Teddy White brought to us. He was the one who began digging into the mechanics of campaigning. I think we—particularly the writing press, but television as well—swung over to looking at the mechanics, at the organization of the campaign, the campaign managers, the media managers, the pollsters. We were dealing almost exclusively with that, rather than paying attention to the candidates and what they stood for, and what they were saying. We're kind of coming back now from this big pendulum swing.

#### **On coping with overcommunication:**

With instant communication today—these 1,200-word-a-minute printers or whatever they are—we can't even absorb it on the desk of the *CBS Evening News*, let alone re-form it in twenty-four minutes for the public. We've got a pile of AP and UPI copy in that office that defies reading. But I think that with cable and retrieval systems and so forth, we're going to be able to present a lot more information to the public than we ever have before: they'll go to one channel for all the financial news, and another channel for all the consumer news.

#### **On the question of whether TV news caters to the middlebrow mind and tastes:**

Yes, if you appreciate that that means raising the level of the mass to middlebrow. But those whose ceiling would be higher anyway are likely to go elsewhere. *Harper's* and *Atlantic* will still be published. There is no indication that the ceiling is being lowered, but the floor has been raised.

#### **On the question of whether any newsperson is worth eight million dollars over five years:**

Compared to a rock-and-roll singer? Yes. Compared to a teacher? No.



# New diet for insurance executives!

Eating crow is not our favorite gastronomic experience.

But we've recently discovered that hearing you out, even on very unpleasant matters, can be healthy for both of us.

Last year, for example, Aetna sat down with the National People's Action coalition to digest complaints about the way property

insurance is sold—and *not* sold—in inner-city neighborhoods.

That dialogue produced results you should appreciate.<sup>1</sup> Just as other consumer contacts have encouraged changes like our Privacy Protection hotline. And the new, lower-cost *Æconomaster* life insurance.<sup>2</sup>

Our 91,000 discussions last year with often less-than-chummy consumers indicate, however, that there are still answers we haven't found.

A lot of you aren't happy about who pays what for auto insurance. So we're taking another look at how rates are figured by age, sex, and marital status.<sup>3</sup>

And absolutely *none* of you out there is happy about steadily-rising health care costs. Which is why we're taking a hard look at the entire health care system, including health policies themselves.<sup>4</sup>

The point is simple: *If we're going to offer the kind of insurance you need and want today, we have to listen—and not just to what we like to hear.*<sup>5</sup>

*Ætna* may not agree with your every gripe. If not, we'll tell you so. But we promise you'll get action, not words, when we do.

## **Ætna** wants insurance to be affordable.

<sup>1</sup> Talks with the NPA—a consumer coalition of over 100 inner-city neighborhood groups—led to a three-fold test program now underway in sections of Chicago, Cleveland, New York, and Philadelphia. We're encouraging agents there to help us write more homeowner's insurance. In two of these cities, we're offering a new "Home Value Policy" that makes inner-city insurance affordable. And we've put up a \$225,000 grant to help reclaim rundown areas, backed by a commitment of up to \$15 million in higher-risk urban development loans.

<sup>2</sup> The hotline is just the most recent expression of our long-standing concern. If you want to know what information we have about you on file, just ask. If you tell us something's wrong, we'll reinvestigate and respond. As to *Æconomaster*, it not only offers lower premiums to start with, it can lower them even further when interest rates go up—a hedge against inflation.

<sup>3</sup> Our studies so far show that about half of you think the traditional rating criteria are unfair. When told that new criteria could mean more money out of your

pocket, however, only about a third still thought change was a good idea. In the real world, decisions often involve some tradeoff between costs and benefits. What we have here are two problems to solve at once.

<sup>4</sup> *Ætna* recognizes we've helped fuel rising costs by selling health insurance that doesn't always give the consumer a reason to be concerned about them. Deductibles and co-insurance while effective aren't always popular. Unfortunately we too often give the customer what he wants without looking at the tradeoffs. We

also haven't done enough to educate people to take better care of themselves or know when they're sick. Prevention is still cheaper than treatment.

<sup>5</sup> It's now company policy to invite representatives from groups like the National Consumers' League up to Hartford. And *Ætna* now has 21 of its own consumer representatives who respond to your questions, suggestions, and complaints—somewhat unusual for an industry that's spent the last hundred years mostly listening to itself.

# Cleanliness may be next to godliness. But in some Dutch harbors, it was next to impossible.



The well-known feeling of the Dutch for cleanliness didn't stop at the water's edge.

And what they saw in some of their harbors was disconcerting, to say the least.

Every time that a ship pumped water out of its bilge, there was a good chance waste oil would be pumped out with it.

The result was a worrisome oil slick—a slick spreading over many of the

world's harbors these days.

(Indeed, back in 1973 an international maritime ruling called on ships everywhere to monitor their oil waste, to avoid worries like these.)

What to do? Some of the people of ITT came up with an ingenious answer—an optical fiber device that carefully "watches" a ship's bilge water.

A laser beam scans the bilge waste being pumped

out. And if the oil levels are too high, an alarm goes off.

So, the pumping can be stopped.

Our ITT device was the first anywhere to be government certified, meeting the required performance standards for this urgent monitoring task.

Obviously, no one expects to unpollute the world's harbors overnight.

But the least we can do is give it a good, clean try.

**The best ideas are the ideas that help people. ITT**

# Useful, using, used: Roy Cohn and the New York press

Need tips?

Cultivate a lawyer—  
and then watch out!

by HENRY POST

**R**oy is the most incredible source," says nationally syndicated New York *Daily News* columnist Liz Smith. "He knows everyone and he loves to talk about them all. He really is a columnist's gold mine, because he's unable to not gossip. Of course," Smith adds, "you've got to be careful with Roy. You've got to keep your guard up, make sure he isn't using you for some reason."

Of course.

Lawyer Roy Cohn—whose wide-spectrum client list has included Si Newhouse, Jr., Congressman Mario Biaggi, Bianca Jagger, and several noted crime figures, and who knows Barbara Walters from way back before she started working with then-PR man, now *New York Times* columnist William Safire (another close Cohn friend)—does know "everybody." He does love to talk. And the press does have to keep its guard up to make sure it isn't being used.

The trouble is that Cohn is so useful to the New York City press that it tends to drop its guard. What begins as a Cohn tip to one of his many press contacts may climb up through the gossip columns onto the front pages of one or another, or all three, of New York's dailies—the *Post*, the *Daily News*, and the *Times*. Duly legitimized, it may then ascend into the airwaves and be spread by the newsmagazines as national news. Serving the press as a source, Cohn is served by it in turn: all this coverage

keeps him in the limelight, which helps build his firm's client list, and otherwise serves his professional ends.

While many lawyers use, or attempt to use, the news media for their own ends, few have established such an effective symbiotic relationship with the media as Roy Cohn. At his fifty-second birthday party last year, held at New York's most celebrated discotheque, Studio 54, *The New York Times* was represented by columnist Safire and then-reporter Tom Goldstein. (Executive editor A.M. Rosenthal declined to attend the evening bash but joined Cohn for lunch at The 21 Club.) *The Daily News*, by Liz Smith and People Page writers Phil Roura and Tom Poster. *The New York Post*, by night city editor Steve Dunleavy, political columnist Murray Kempton, gossip columnists Claudia Cohen and Neal Travis, and show-biz columnist Earl Wilson. Television was represented by local talk-show hosts Stanley Siegel and Bill Boggs. Five members of the Newhouse family also attended. Non-media celebrants included the pick of Cohn's political pals (elected officials, former mayors, judges, party leaders, and power brokers from all political parties), and an imposing pack of real estate barons, industrialists, and entertainment executives—all newsmakers.

Cohn's cozy relationship with the news media appears to have had a perceptible effect on press treatment of developments relating to Cohn clients Carmine Galante, the late crime figure who was reputed to be a Mafia boss, and, more recently, the co-owners of Studio 54.

## The Godfather crusade

In October 1978, Galante was placed in solitary confinement while

serving his twelfth year of a twenty-year narcotics sentence. Prison officials said they had segregated Galante and placed him under guard after learning of a mob contract to kill him. *The New York Post* revealed this on October 26, 1978, in an exclusive front-page story by Carl J. Pelleck. The next day, the *Post* followed up with a page 7 piece headlined ROY COHN RIPS 'PLOT' TO KILL GALANTE: JUST A TRICK BY THE FEDS. In Pelleck's fifteen-paragraph account, "the feds" were allotted a single paragraph to restate their case, while Cohn was given half a dozen to make his point that the threat was a ruse to make his client look like a bad parole risk.

On November 5, as if waging a free-Galante crusade, the *Post* gave over two full pages to a piece slugged "Carmine Galante talking exclusively to The Post" and headlined I'M A POLITICAL PRISONER, SAYS THE GODFATHER. Pelleck told readers that Galante "looks like anybody's grandpa," that he "looked sort of pathetic for a mob boss," that on most questions "he looked me straight in the eye," and that Galante said the hit-contract claim was "made by the government to harass him, to keep him in jail for no reason at all."

In late February 1979, Galante was released from prison on a legal technicality; on March 7 he was back in—an event that in the *Post* merited a front-page headline: BACK TO JAIL FOR GALANTE. The crusade was resumed. On March 8, the head of another Pelleck story read: WHAT MORE DO THEY WANT FROM ME, SAYS JAILED GODFATHER; a four-column photo showed Galante, "accompanied by his attorney Roy Cohn," surrendering to federal authorities. On March 9 Pelleck followed up

*Henry Post is a contributing editor for New York magazine.*

with yet another story on Galante's case (JUDGE'S ATTACK ON GOVT. IS KEY TO GALANTE PAROLE).

Finally, on March 23, 1979, Galante was granted parole and released on \$50,000 bail, thus ending one phase of the Galante story. Whereas the *Times* had consistently relegated the story to its "News Briefs" section, the *Post* had sympathetically dramatized each twist and turn—had, in effect, acted as public defender for Cohn's client.

When Galante was gunned down in an Italian restaurant on July 12, 1979, all three of the city's papers milked the murder for all its gory sensationalism. (See Fred Ferretti's "Godfather III: Don shot—press wounds self," CJR, September/October 1979.) Cohn's prior claim that the mob contract was just a trick by the feds was not mentioned in the *Post*.

Why was the *Post*'s earlier coverage of Galante so sympathetic? Reporter Pelleck declined to discuss his Galante coverage or to describe how the exclusive interviews had been arranged and under what terms. Another *Post* reporter, requesting anonymity, says: "Roy Cohn set the whole Galante thing up. He knew what made headlines and had no hesitation in using the *Post* to do that." (Cohn declines comment.)

#### Studio 54: the bash and the crash

Quite independently of Cohn, Studio 54 developed its own symbiotic relationship with the press after it opened in April 1977. At first, the discotheque's success was due to publicist Carmen D'Alessio's ability to attract the chic set, producing coverage by *Women's Wear Daily*, the trend-setting Fairchild fashion publication. Later that spring, the PR firm of Gifford/Wallace arranged a big party at Studio 54 for actress Liza Minnelli and her designer friend Halston, then Bianca Jagger's birthday party, a photo of which made the front page of the *Daily News*. Meanwhile, co-owners Steve Rubell and Ian Schrager were becoming adepts at the fine art of entertaining celebrities and the celebrity-hungry press.

Wide World



**'At first, Studio 54's press connections were used solely to build the club's status, to make it the disco. [After the raid] the co-owners turned to Roy Cohn, whose press contacts, combined with those of the club itself, became essential to the club's survival'**

Cohn and Studio 54 co-owner Steve Rubell, after the December 1978 raid on the disco

There were goodies for all. Under the Studio 54 dance floor was a secret basement room in which celebrities could take drugs made available by the since-convicted drug dealer John (Johnny C) Conaghan. Upstairs, the club's owners sweetened their relationship with the press by dispensing free drink tickets and offering Quaaludes to journalists. Two *Post* gossip reporters obtained cocaine through a Studio 54 employee eager to pass on supplies obtained from Conaghan.

Rubell, as gossipy as Cohn, regularly fed items to columnists at *Women's Wear Daily*, the *Daily News*, the *Post*, and the *Soho Weekly News*. "There were many days," says PR woman Michael Gifford, "when Steve would call me up and brag that he had fed Earl Wilson his entire column. He talked about all his friends—about Liza's marriage to Jack Haley, Bianca's relationship with Mick, and Elizabeth Taylor's sex life with John Warner." Gifford adds, "There wasn't one publication or one television station in the city that didn't cover Studio 54." (The *Post*'s gossip page ran so many stories about the club that in a late 1977 meeting with the paper's amusement advertising manager, Len Sendroff, the owners of four other discos charged that Page Six

reporters were being paid off. Sendroff denied the charge.)

The New York paparazzi, fearing that Rubell would bar them from future coverage (and thus from future photo sales), generally refused to take or sell pictures that might embarrass the disco. On the rare occasion they did sell such photos, they demanded pseudonymous credits. A photo of Studio 54 customers inhaling laughing gas, which had been taken by Allan Tannenbaum, was credited in the June 20, 1978, issue of *Esquire* to Bjorne Toulouse (pronounced "born to lose"). The montage of Studio 54 photos that appeared on the cover of the November 12, 1979, issue of *New York* magazine was uncredited at photographer Sonia Moscowitz's request when she learned that the cover article would vex the disco's co-owners.

**A**t first, Studio 54's press connections were used solely to build the club's status, to make it the disco. But in the early hours of December 14, 1978, acting on a tip that the disco was skimming enormous amounts of cash, thirty-five agents of the Organized Crime Strike Force of the U.S. Attorney's Office carried out a surprise raid on the club. The co-owners turned to Roy Cohn, who had been their law-

yer since 1976 and whose press contacts, combined with those of the club itself, became essential to the club's survival. According to Gifford, the message to be gotten out was that, when the dust had settled, the club would emerge unscathed.

It was publicist Gifford, however, who first dealt with the press on the morning of December 14. "Not knowing anything about the seriousness of the charges," says Gifford, "I acted like any press agent should, telling every reporter that it was 'government harassment.'"

The federal agents had thoroughly searched the Studio 54 office, literally turning it upside down; then, says Gifford, they had "put the place pretty much back in order." Gifford turned the desks back over, dumped things on the floor, and, having thus set the stage, invited *Daily News* photographer Charles Ruppmann into the office. The front page of the next day's *Daily News* (RAID STUDIO 54, SEIZE COCAINE) featured a photo captioned, "The feds were here. Studio 54 co-owner Steve Rubell stands in disco office . . . ransacked by federal agents. . . ."

"That was the way the office looked," says Gifford. "And, of course, it created a great feeling of sympathy for Studio 54."

Later on the day of the raid, the co-owners met with Gifford and Cohn at The 21 Club to discuss strategy. Cohn then took over from Gifford, also telling the press that the raid was an example of government harassment and saying that the cocaine allegedly found on his client Ian Schrager was planted. The story got front-page coverage in both the *Daily News* and the *Post*, which also featured a piece bearing Steve Rubell's byline ("I'm aware that Ian's father was connected to the underworld, but Ian's just a hardworking guy, who was set up. . . .") By comparison, the *Times* account was sober and low-key.

During the months that followed, a grand jury examined Studio 54's financial records and heard important testimony from the third co-owner, Jack Dushey, who pleaded guilty to reduced tax charges in return for his insider information. On

June 28, 1979, an indictment was handed down. It detailed the skimming of \$2.5 million in cash and charged Rubell and Schrager with tax evasion, conspiracy, and obstruction of justice for "withholding, concealing and tampering with documents and records subpoenaed by the grand jury." At this point, the PR firm Gifford/Wallace resigned the Studio 54 account.

#### The Hamilton Jordan ploy

While Cohn/54 kept up the "we will survive" front, a battery of lawyers continued plea negotiations with the U.S. Attorney's Office. One of the fifteen lawyers involved in the club's defense was Mitchell Rogovin, a former CIA legal counsel. According to an account that appeared in the November 1979 *American Lawyer*, Rogovin went to the U.S. Attorney's Office in late August, hoping to repeat a success he had had while representing a former member of the intelligence community. By guaranteeing his client's silence on a matter which, if made public, would have been embarrassing to the government, he had arranged to have the charges against his client dropped. This time, he hoped that the attorney's office would drop its charges against Studio 54's co-owners if they said nothing about a charge that Hamilton Jordan, President Carter's

chief of staff, had used cocaine.

The tactic didn't work. As Rogovin has admitted, he was unaware that under the 1978 Ethics in Government Act a charge of this nature against a government official could not be kept secret.

There remained one slim legal hope. If a special prosecutor were appointed to investigate Jordan's alleged use of cocaine, the prosecutor might take over jurisdiction of the Studio 54 tax case in order to obtain Rubell's testimony and a supposed tape recording in which "Johnny C" Conaghan recalled Jordan's having used cocaine at the disco. Perhaps with a special prosecutor a better deal might be achieved for Cohn's clients in return for their cooperation in fingering Jordan. Yet the Jordan allegations—based as they were on the testimony of a drug dealer and an indicted individual looking for a plea-bargaining deal—were weak. Rogovin claims his behind-closed-doors approach might have worked. Cohn, however, apparently saw another way to try to assure the appointment of a special prosecutor—a well-orchestrated media campaign that would put pressure on the Justice Department. (Under the Ethics Act, Justice has ninety days to investigate charges, after which it must appoint a special



**'As a plea-bargaining tactic, the Jordan cocaine charge did nothing for Studio 54. What it did do was to force reporters from coast to coast to cover Jordan's private life'**

*The front page of the October 5, 1979 Post*

prosecutor or explain why the case should be dropped.)

According to several reporters at *The New York Times*, and according to co-counsel Rogovin, on about August 20, Cohn called his good friend *New York Times* columnist William Safire to tell him about Jordan's alleged use of cocaine at Studio 54. Safire wrote up a short memo and passed it on to a number of *Times* reporters; to Bill Kovach, a *Times* Washington bureau editor; and to executive editor Rosenthal. The memo emphasized that drug use by a high government official was a grave and serious matter and described the source of the information as "a lawyer you and I both know."

**R**eporter Philip Taubman began checking out the story for the *Times*; meanwhile, information was also leaked to *The Washington Post*, where Charles Babcock started digging. The key evidence, aside from Rubell's testimony, was the Conaghan tape. At neither paper did reporters ever hear the actual tape; instead, it was "characterized" to them. Thus, in the end, the credibility of the cocaine charge depended on the credibility of the source: Roy Cohn.

On August 25, the *Times* ran a front-page story headed JORDAN UNDER INQUIRY ON COCAINE: HE DENIES REPORT BY STUDIO 54. Cohn was not identified as the source. *The Washington Post* downplayed the importance of Jordan's alleged cocaine use. Under a head that read JORDAN COCAINE PROBE ILLUSTRATES ETHICS LAW'S SWIFT TRIGGER, Babcock pointed out that Justice Department officials "have been saying for months that the guidelines triggering such investigations are so loosely drawn that they invite abuse."

Within a week, the basis for the Jordan charges began to fall apart. Rubell had originally claimed that White House press secretary Jody Powell was with Jordan in the disco at the time Jordan had allegedly used cocaine in April 1978. Records showed, however, that the two men had never been in the disco together. The records also showed Rubell's date to be incorrect: Jordan had gone

to the club in June, not April. And Conaghan now denied having supplied Jordan with cocaine.

Thus, the story needed buttressing. Enter Barry Landau, a Studio 54 regular, a friend of Rubell, a man whom a *Post* reporter overheard shouting in a hotel lobby that his bills should be sent "to my lawyer Roy Cohn," and a self-described PR consultant who had no office and no clients but who had, as subsequent coverage revealed, falsely represented himself as the PR man for Lucille Ball and Andy Warhol. Landau gave Cohn a sworn statement in which he claimed that on the night Jordan visited Studio 54, Jordan had asked him where he could obtain cocaine. The Landau story was offered to the *Times* on August 26. The *Times* found reason to doubt Landau's credibility.

Finding no quick takers for the Landau information elsewhere, Cohn reportedly turned to the *Post*, which decided to go with the story. As a *Post* reporter who checked out Landau recalls, his editor, told that Landau was "a flake," replied: "Who cares about Landau being a flake? We're selling newspapers. We've got a story on the number two man in the government!" On August 28 the *Post*'s sensational cover line read JORDAN BOMBSHELL: A KEY WITNESS TELLS JUSTICE DEPT: CHIEF OF STAFF ASKED ME WHERE THE COCAINE WAS AT STUDIO 54.

*Times* stories the next two days undercut the credibility of this "key witness." But no sooner had Landau started to fade than a new character was brought into the act. On September 6, Claudia Cohen, editor of the *Post*'s Page Six, retailed a Fugazy limousine driver's version of one of Jordan's wild nights on the town. William Fugazy, Sr., owner of the limousine company, is a childhood friend of Cohn's. The driver, who refused to be identified, spoke of a "beautiful blonde" who had accompanied Jordan and then told what came to be popularly known as the "Fugazy Blow Job Story." According to the driver, one of Jordan's friends had "performed a sexual act" with a woman inside the limousine while the driver waited in front

of a hotel for Jordan. Claudia Cohen refuses to comment on whether this was a Cohn-fed story designed to discredit Jordan by association.

At this point, Jordan's private life had become a news story. The *Los Angeles Times* and *The New York Times* both started investigating. *Time* and *Newsweek* both carried accounts about Jordan's life style in their early September issues. And on September 20, Walter Cronkite opened the *CBS Evening News* with a six-minute examination of the Jordan cocaine charges and of instances of allegedly licentious behavior. Gossip had crawled out of its low hole to the very top of the news. It then sank back. On November 29 Attorney General Benjamin Civiletti said he found no reason to prosecute Jordan but that, because of his inability to obtain testimony under oath, he was compelled by the Ethics Act to request the appointment of a special prosecutor to complete the investigation. (On March 1, the prosecutor convened a grand jury to compel witnesses to testify.)

**A**s a plea-bargaining tactic, the Jordan cocaine charge did nothing for Studio 54. On January 18, 1980, Rubell and Schrager were given three-and-a-half year prison terms, fined \$20,000 each, and ordered to pay unpaid taxes of nearly \$500,000, as well as the cost of the prosecution.

What the ploy did do, as press secretary Powell pointed out at an October 1979 press seminar, was to force reporters from coast to coast to cover Jordan's private life. To date, their investigations have shown the cocaine allegations to be nothing more than gossip.

As Attorney General Benjamin Civiletti told *The Washington Post* last September, referring to the Jordan matter: "There will always be people who make allegations with motivations people should be skeptical of." To its credit, much of the press remained skeptical of the stories being spread about Jordan. But the cumulative effect of a succession of even the most skeptical accounts is to cast doubt on the subject, leaving the source untouched. ■



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Anchorman Jack Bowen and news executives of KOCO-TV in Oklahoma City decided to do something about it. They drew on the successful experience of three other Gannett Broadcasting Group television stations, WXIA-TV in Atlanta, KBTV in Denver and KARK-TV in Little Rock, in televising adoption programs.

KOCO wanted to introduce adoptable children on television to show that

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The only way to prove the value of the idea was to do it. So, with the cooperation of one private agency, KOCO began a weekly series called "Wednesday's Child" to air the story.

The first episodes were so sensitively handled that the state welfare department and several private agencies allowed the station to do profiles on other adoptable children.

Viewers responded in the best way possible. To date, they have adopted 25 of the 41 children introduced on "Wednesday's Child." Nine are in the process of being adopted and only seven are still waiting to be placed. In addition, 42 other "hard to place" children not shown on the programs were adopted by viewers who responded and called in.

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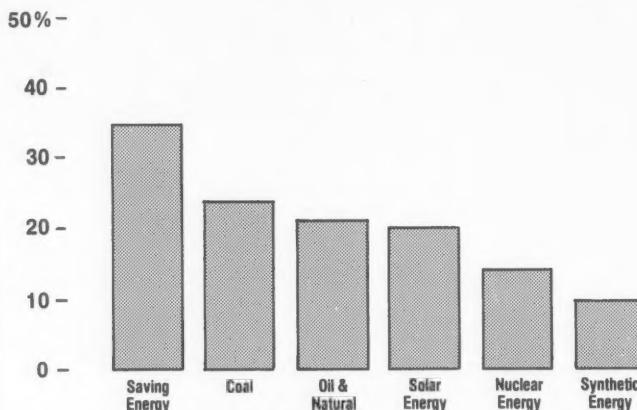
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**Q: What one or two things would help improve this country's energy situation fastest?**



Source: November, 1979 national probability sample, by telephone, of 1,000 adults.  
Survey conducted for Union Carbide by Roger Seasonwein Associates.

## New survey ranks conservation as America's fastest energy option.

In a new public attitude study conducted for Union Carbide by Roger Seasonwein Associates, Americans ranked conservation as the fastest (chart above) and one of the most economical ways to improve the nation's energy situation. This finding takes on particular significance as the Congress shapes an energy program which relies heavily on developing new technologies to deliver substantial amounts of synthetic fuels in the 1990's.

Appropriate as this is in the long-term, many energy analysts are convinced — and the public now agrees — that a commitment to conservation would produce faster results. In addition to speed and economy, Americans rate conservation highly on its environmental advantage — second only to solar.

The survey also shows that 56 percent of American homeowners believe their homes are not as energy efficient as they could be, and a

majority of these homeowners feel that they can't afford to make them more efficient. The public expresses strong support for government programs to help homeowners improve this situation, and also favors programs to help industry become more energy efficient.

In short, our survey reveals a large constituency for energy policies which exploit conservation's potential for fast results. The survey is available on request.

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# Is objectivity obsolete?

*Journalists lost their innocence in the seventies—and gained new voices for the eighties*

by ANTHONY SMITH

**J**ournalism has always had a shifting set of ethical principles complicated by the fact that prevailing catchwords have often been expressed in the same tones and phrases ("separating fact from comment," "objectivity," "accuracy," "impartiality"), which have had widely different meanings at different times and places.

The generally accepted ethic of objectivity arose during the course of the present century, though today the changing position of reporters is stretching the possibilities of the doctrine to its limits. The code of objectivity as it emerged in the period before the Second World War was very different from the emphasis on facts that had helped the press through the period of its growth earlier in the century. The techniques of journalism had clearly broken during the First World War. In *Mein Kampf*, Hitler blamed the Allied popular press for the troubles of Germany. Americans blamed the European press for having dragged it into a useless war. On both sides of the Atlantic the century of democracy was already in tatters, having failed to pass the first real test. The blame was generally laid at the door of the information disseminators and the inadequacy with which they dealt with the popular psychology.

Objectivity was partly a response to the chaos in the international political sphere; it fostered the collection of information on the basis of a special diction, which restricted the definition of a statement to that which could be assented to by all. It was a response, albeit unconscious, to the criticisms of Lenin and Goebbels and led up to the more destructive internal criticisms of the 1960s. Western objectivity meant basing report-

age upon the denominator of unexceptionable and verifiable statement. It used the minimum of consensus. It was what was left after the combined skepticisms of the age were stripped away from the reporter's vision of the world. It was the remnant of reality left behind when the reader had been protected from the one-sided truths of the press agent and the double-edged truths of the politician. It was the ideology of an age that had grown to *distrust* democracy, which had seemed to fail both politically and economically in the 1930s.

Each country made its own adjustments to the concept of objectivity, but in each the older generation of journalists found it possible, after the bewildering rigors of the 1930s and 1940s, to accept the new credo. The concept was unaffected by the decline of empiricism in science, by the growth of relativisms in various guises in the rapidly expanding social sciences—not at first anyway—because this objectivity was a refuge, not the result of a quest. It helped them through the Cold War, until television journalism rose to the bewildering events of the 1960s.

**I**n looking for the causes of the breakdown of objectivity in the 1960s, one must look at the news events that shook the world of the reporter in the postwar period. Objectivity had been a perfect retreat in the period of the Cold War, in that it papered over the cracks in consensual values and enabled a society to slip quickly from the popular front to the ideological partition of the intellectual world at the time of Korea and yet still appear to hold certain commonly accepted standards of reporting. But it laid the whole business of reporting open to the manipulation of a McCarthy who would use the routines and genres of journalism for his own ends. Joe McCarthy understood the procedures of reporting, its deadlines, and its divisions between journalists who collected facts at press conferences and asked plain questions in order to "get it right" and those who wrote columns and assessed situations. The phenomenon of McCarthy was a modern media phenomenon, different from the dema-

*Anthony Smith is chairman of the Acton Society Press Group, a British organization for the study of the newspaper industry, and trustee of the International Institute of Communications. This article is excerpted from Goodbye Gutenberg: The Newspaper Revolution of the 1980s. Copyright 1980 by Oxford University Press. All rights reserved. Published by arrangement with Oxford University Press, Inc., New York.*



**'Objectivity . . . laid the whole business of reporting open to the manipulation of a McCarthy who would use the routines and genres of journalism for his own ends'**

*Senator Joseph McCarthy at a 1953 news conference*

gories of the 1930s, although clearly owing something to them. McCarthy provided good pictures for cameras, good sound for radio, good stories for newsmen. He provided all the media with what their routines and specialist natures required. News was bigger and more powerful than comment and could drown it. The processes of news collection had become well enough organized for a value-free factuality to damage the craft of reporting as much as it had saved it in earlier circumstances.

It now seemed that where facts could once be permitted to speak for themselves, there was a danger that they could be manipulated and made to speak for a special interest. Research into the impact and techniques of television journalism demonstrated virtually for the first time that, when subject to the competitive requirements of network television, the genre of news was capable of gross distortions. Kurt and Gladys Lang's research into the coverage of General MacArthur's procession on returning to America and other great media news events indicated that the cameras moved towards action, towards activity that best symbolized the "meaning" that had been attached in advance to an event. The entire dedication to objectivity was in jeopardy both in the print and electronic media. The structure of the news story was beginning to be perceived as a value-loaded device structuring reality according to preconceptions, not a device for exploring reality according to a professional canon of neutrality. The media had permitted themselves to slither through their own liberalism into a structured conservatism.

#### **A range of masks**

Objectivity arose, then, out of uncertainty, out of a world where values had ceased to be widely agreed upon or universal but were merely relative. The American newspaper industry has clung in its self-defense to the rules of objectivity despite the attacks that have been made upon it, particularly by the generation of reporters that emerged from the universities and training colleges in the 1960s. Arguably the industry has emerged in the 1980s with a newly adjusted version of

the doctrine, liberalized to accommodate some of the most skillful proponents of the subjectivism of the sixties but substantially the same set of occupational ideals. In the universities in the 1960s, it was not merely the objectivity of reporters in Vietnam that had fallen into intellectual disrepute but the whole idea that reporting was a profession at all. All it had to offer as its credentials was an exploded view of its ability to amass objective facts.

**I**n some ways the reversal of values of the 1960s was the response by a new generation of Americans to the discovery of the existence of a full-scale "state" of a classic kind. Successive wars had left America with an apparatus of bureaucracy and secrecy that the mythology of American democracy had never previously admitted to. With Watergate, American journalism applied a new doctrine that permitted and encouraged certain deliberate forms of confrontation between reporting and the state machine. Apologists and glorifiers of the Watergate reporters spoke as if this form of confrontation were normal and historically sanctioned in journalism, claiming at the same time that objectivity was a myth, a trick that had been played upon journalists rather than by them. The reporters stationed at the great demonstrations, battles, and riots of the period found that events themselves were breaking loose from the procedures of journalism, which were no longer able to cope, certainly not on a scale that would enable print journalism to maintain its own against television. The television camera was now able to wander freely in Prague, Saigon, Paris, Chicago—anywhere that news was being made—inducing a kind of instant public theater, with spectacle rather than speech and debate dominating both the event and the reporting of the event. It was not newspaper reporting but television that exhausted the formulas of journalism.

Tom Wolfe, in looking back at the origins of the New Journalism, a term that he traces back to 1966, points out the way in which the early practitioners of the new genre deliberately broke loose from the tech-

niques—and the *status-rooted* processes—that the newspaper medium bequeathed them. The voice of the reporter started to change from that of outside narrator—speaking as if unmoved and uninvolving, checking on places, names, ages, dates—to that of informed bystander, who now dared to enter the personality of a main character in the story itself. The task of reporting broke loose almost spontaneously from the constraints, but not ultimately from the purpose, of objectivity. It was as if it had stultified within its own rules—the “Geneva conventions of the mind,” as Orwell had called them—which, in the age of flexible television reporting, were simply holding print journalism back from the truth rather than helping it to guarantee the truth. “They were moving beyond the conventional limits of journalism,” continued Wolfe, “but not merely in terms of technique. The kind of reporting they were doing struck them as far more ambitious, too. It was more intense, more detailed, and certainly more time-consuming than anything that newspaper or magazine reporters, including investigative reporters, were accustomed to. They developed the habit of staying with the people they were writing about for days at a time, weeks in some cases. They had to gather all the material the conventional journalist was after—and then keep going. It seemed all-important to be *there* when dramatic scenes took place, to get the dialogue, the gestures, the facial expressions, the details of the environment.”

Here he is discussing primarily the new magazine writing of the late 1960s, but the basic tenets spread far into the world of newspaper journalism as it attempted to reveal the attractiveness of the new visual world created by the television film-reporter, that is, created in the events that television had encouraged to take place in the era of the politics of spectacle. The reporter found that a greatly increased range of masks and personalities was now available to him, and many of these—such as those of participant observer, sampler of experience, interpreter of roles and emotions—had been handed on from the world of social science,

another emergent reporting profession that advanced into the same areas of disquisition in the 1960s.

The disrepute of professionalism in the old sense among sixties journalists was due in part, as sociologist Michael Schudson argues, to the general disrepute into which professions in general were falling. The readers of Ivan Illich among journalists were bound to make comparisons between his critique of schooling and of medicine and the business of reporting. The professions—law, medicine, education—appeared to be responsible for the specialized social problems they were set up to deal with. They had vested interest in disease, mental illness, ignorance, injustice, and their “codes” were structurally incompetent to protect the public against the conscious and unconscious degradations of organized practitioners in the professions concerned. In journalism there was a perceived collusion between the professional critics of institutions and the institutions themselves, whose existence gave the former their opportunity and provided them with a clear set of guidelines within which the criticism took place. There was therefore persistent conflict between editors and “new” journalists, the latter wanting to take up positions within the press as it was, in the conventional way, and yet join the ranks of their own generation and accept its critique.

**T**he new styles of journalism were, in part, the resultant response to these two pressures: on the one hand, a resistance to the conventions of news that seemed to oblige the reporter to conduct himself compliantly to the point of complicity, and on the other, an opportunity in the New Journalism for self-expression, vividness of style, and political purpose, which cut the reporter from the mainstream of national information. The bias to which reporting unwittingly gave itself stemmed from the very procedures that tied journalism to its sources, forcing it to use methods of validation that left information culled from socially underprivileged sources structurally invalid. Journalism



**‘Kissinger continued until the end to benefit from the willingness of reporters to cooperate with the presentation of news in the manner desired by a national leader’**

*Secretary of State  
Henry Kissinger chats  
with reporters  
on a 1975 Mideast  
shuttle flight*

helplessly underpinned a social system that was content with and depended upon a kind of objective truth that that very constrained system even crippled.

### The compliant press

Until the later stages of the Vietnam War the press was nearly always compliant under government when grounds of national security were offered as reason for denying information to the public. *The New York Times* cooperated with President Kennedy and withheld information it had acquired relating to the Bay of Pigs invasion in 1962. The press had refrained from drawing attention to the inability of President Eisenhower to conduct affairs of state during his treatment for coronary thrombosis.

**T**here came a point during the Vietnam War, however, when a combination of new doctrines, widespread disbelief in the wisdom of prevailing policies, and dislike of personalities encouraged the press not to cooperate on principle, in fact, to demur on principle. Kissinger continued until the end to benefit from the willingness of reporters to cooperate with the presentation of news in the manner desired by a national leader: the rules of what was "background" and what was "off the record" and "on the record" were adhered to by virtually all of those who followed the secretary of state on his many missions, and his almost obsessive concern with secrecy was indulged by reporters. The routines of the reporters and their general willingness to render under Caesar helped perpetuate the favorable image that Kissinger had acquired as a result of general cooperation by all of the media. The spectacle helped create a rift between those reporters who went along with this and those who quietly resolved to try to break through the smokescreens and half-truths when they got the chance.

Subsequently, the almost total failure of the press to understand the internal politics of Iran before the collapse of the shah and his army, together with their secret apparatus of repression, helped to bring home to more reporters the need to look outside the routine sources of journalism for reliable information on the affairs of the world. With the overthrow of the shah, it seemed that the press had failed within its own terms, had failed indeed to confront the policies of its national leaders, had failed to listen to well-informed people within the Third World, had suffered from a structured inability to perceive a reality that it then had quickly to acknowledge.

The movement in the dominant occupational ideal of journalism reflected a more general change of feeling in American society. The student movement was spectacular in its methods and tended to give the impression that the change in mood that it represented was confined to those who participated in the culture of a particular generation. In fact, the change in attitude towards government moved through much larger areas of the society, and Watergate ensured that ex-

pressions of disaffection and disillusion with the central political processes were possible in all classes and places. The utopianism that lay at the root of much of the political and journalistic activity of the period was a new strain in American life, and certainly new as a force in journalism.

Novelists, too, influenced journalism. Truman Capote's *In Cold Blood* demonstrated the depths of "truth," which could be extracted from the painstaking collection of facts and interpretative material, if the skills of the fiction writer were added to those of the reporter. Gay Talese and Norman Mailer produced their work after steeping themselves in fact but deploying their material with the versatility of the novelist. A completely new range of possibilities and compulsions was added with the rise of black journalism and other radical brands of reporting from minority groups anxious to make changes rapidly in American society. The women's movement, the Chicano movement, and the black movement broke through the dike, once it had been breached by the new journalism of the novelists. One observer spoke of a fourth revolution in journalism (after the freeing of the press from government, the growth of objectivity, and the rise of interpretation), which permitted activism in reporting.

### The committed press

The influential practitioners of the new journalism of commitment did most of their work outside the newspaper medium—in *Esquire*, in the *National Review*, in *Rolling Stone*, and in a myriad of other underground publications that rose from the waves of the 1960s youthful discontent. (Some of which sank back again when the movement's energy was spent.) The magazines in many cases represented the most pointed and most glamorous forms of journalism of the time, and the new freedoms became a *temptation* to the whole range of print reporting, including the daily press. There were frequent complaints and frequent surveys to the effect that opinion was "creeping into" news columns. What attracted the reporter was perhaps not so much the opportunity to express an "opinion" as the chance to borrow techniques from other kinds of writing and to borrow a new persona, or mask, with which to perform the function of reporter.

When the passions of the period died away, there was less desire to use the newspaper for purposes of propaganda by reporters but a strong desire to continue developing investigative reporting, especially in local affairs, and to experiment with styles of writing. The changes in the structure of the newspaper form contributed to the opportunities available in many metropolitan and even suburban papers for writing at different levels, for different audiences, in different moods. The sixties left their sediment upon all reporting—indeed, some of the new journals of the time, such as *Rolling Stone*, continue to thrive—and have helped to modify the doctrines of journalism as a whole. In collected Vietnam material, such as that of Michael Herr in *Dispatches*, one can see something of

what has endured of the new strains of reporting: a deep commitment to straight facts and background, suffused with the passions of an individual who feels free to use his emotions as a guide to the event while holding back from pressing opinions of a political kind—the reporter offering his experience as part of his material without prejudicing accuracy or objectivity. Though the reporter has been released from a kind of repression of self, he re-embraces his craft ethic.

The student reporters of the 1960s have moved through the press, gradually shedding the passions of the antiwar and civil rights movements and the demands for open language and open sexuality, but they have kept with them a sense of an enlarged range in journalism and the need for the barrier between reporter and subject to be bridged before the "truth" can be extracted. Where a young reporter in the sixties, sent to cover a topic related to his generation, felt embarrassed by the sense of his own treachery, of his being made an agency of a rival culture spying upon his own, today he would probably feel more at home in his role, less constrained by the canons of the journalistic tradition, more able to level with his subject.

The reporter faces the 1980s, therefore, with a considerably enriched set of ethical beliefs about his duties and function. He has more freedom within the traditions of his occupation and a wider variety of styles and roles passing through the profession by way of the training schools and journalism departments of universities, which have come to play a larger and more widely accepted part in the newspaper industry. But the whole business of reporting remains under a cloud of skepticism, reinforced internationally by the continuing debate between Third World and developed world over what constitutes a "free and balanced flow of information." This moral attack upon the work of Western journalists in the reporting of international affairs and, in particular, the domestic affairs of Third World countries cannot but spill over into the internal professional debate about how reporters should perform their work.

**W**hat much of the research of the 1970s has brought out is the way in which the routines of newsgathering predetermine the image of reality that reporters purvey. Information is accepted at face value from some quarters and not from others; objectivity is a "strategic ritual" (as sociologist Gaye Tuchman calls it, in a now popular phrase), designed more to protect the journalist against outside attack than to help him direct his mental faculties in a particular way. Paul Weaver has developed an effective criticism of the idea of the "story" itself, the internally structured narrative formula around which news collecting takes place and which is used as a criterion of newsworthiness as well as a method of news writing. An event becomes a story when it impinges upon an area of agreed and known attitude and prejudice, when it confirms or undermines a preexisting assumption,

Newsweek



Michael Herr, author of *Dispatches*

***Dispatches* revealed 'a deep commitment to straight facts and background, suffused with the passions of an individual who feels free to use his emotions as a guide to the event'**

when it continues rather than unravels, when it is easily extractable from a continuing surrounding circumstance. What places the journalist in a more difficult and pregnable position is the additional criticism that the whole business of journalism takes place on the basis of an accepted body of political beliefs that remain unquestioned throughout the professional life of the individual reporter. Under this view, objectivity is little more in substance than rhetoric, since the reporter is bound to accept the basic institutions of his society (the family, private enterprise, the corporations, the political system, etc.), and therefore sees society only in terms of them.

Journalism has, in a sense, had its conventions exposed to view in the conditions following Vietnam and Watergate through events that put the whole inherited structure of codes and practices to an extreme test of serviceability. Once displayed, the conventions cannot again become the comfortable and enduring bedrock of occupational confidence that they formerly were. Of course, there are enough examples of professional deviance throughout the long history of American and European journalism to support the argument that nothing new has, in fact, occurred, that we are living through a simple continuity of conduct in which earlier themes—such as progressivism and muckraking—have come to the fore. But what is different today is the fact that the critique has been made and remains upon the table, that the public as well as the reporters have acquired an understanding of the processes of reporting, a demystification, which leaves the forms of journalism as interesting as the content. ■

# Peons in the newsroom

Too many media interns work as gofers for miserable pay or no pay at all. Some have been sold into bondage by their professors

by SHERYL McCARTHY

In 1979, when Kathy Bretz was a senior journalism major at Rider College in New Jersey, she spent a month working as an "intern" for New Jersey Public Television's Channel 52 in Trenton. Rider encouraged its journalism majors to take internships as a way of getting practical work experience before graduation. And Bretz, who was contemplating a career in television, welcomed the chance to see if her talents were suited to the demands of a real TV studio.

But instead of being exposed to the news and production sides of Channel 52, Bretz spent half her forty-hour week doing clerical tasks. The rest of the time she worked as a telephone solicitor in the station's fund-raising drive. She received no pay for her work. And while she received academic credit for the internship, she feels it taught her nothing about putting together a TV show.

"It was very disappointing," recalls Bretz, who is now a secretary at *Sport* magazine, and who says her lack of TV experience has discouraged her from seeking a TV job. "You get a chance to go out in the field and you think you're going to learn so much. But you end up Xeroxing."

Bretz was one of thousands of

*Sheryl McCarthy is education editor at the New York Daily News. She has been an intern at The Boston Globe, The Philadelphia Inquirer, and The Wall Street Journal.*

young people who put in time as media interns last year, working as reporters, photographers, copy editors, and advertising salespersons for newspapers and wire services, as editorial assistants on magazines, and as production and research assistants at TV and radio stations. At a time when competition for full-time jobs in the media is fierce, internships—short training programs lasting from a few weeks to several months—are booming. Students see them as a way to make job contacts, acquire clips, and get experience that will impress prospective employers. Editors see them as a convenient device for sizing up job candidates, as an inexpensive way of replacing vacationing employees, and as good public relations. And journalism professors have long viewed the on-the-job training offered by internships as a valuable apprenticeship for students about to start their careers.

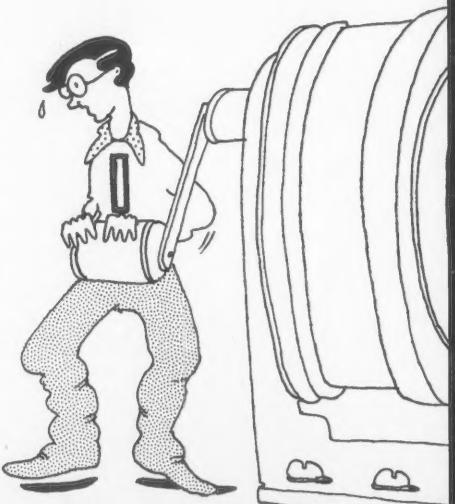
Ron Claxton, a copy editor for *The Denver Post* and editor of the annual "Student Guide to Mass Media Internships," estimates there will be more than 3,700 intern jobs this summer, compared to 2,500 last summer and 2,000 in the summer of 1978, most of them sponsored by individual newspapers, magazines, wire services, and radio and TV stations. In addition, a recent study by the Association for Education in Journalism (AEJ) turned up at least 120 schools that run their own internship programs in conjunction with willing editors or that grant credit for outside internships.

But the proliferation of internships has aroused concern among journalism educators and media people over evidence that economic and educational abuses occur in some of the programs. Some charge the media with taking advantage of interns' eagerness for experience by using them as cheap or even free labor while assigning them to menial tasks that give them no real preparation for a career. Another complaint is that journalism schools misuse their

own students by collecting tuition while farming them out to newspaper and magazine editors and broadcasters to work in poorly supervised programs of questionable educational value.

These concerns came to a head last fall when the American Council for Education in Journalism (ACEJ), the accrediting agency for the country's journalism schools, strongly recommended that the schools limit the number of credits allowed for internships to 10 percent of a student's required journalism credits. At around the same time the AEJ, whose members include media people as well as journalism teachers, issued guidelines designed to prevent exploitation of interns in school-connected programs. Among other things, the AEJ recommended that journalism schools grant academic credit for internships only when their educational value has been carefully confirmed, that all interns be paid, and that schools permit no more than 20 percent of a student's journalism credits to be earned through internships.

"We found a number of schools that were abusing the situation,"



says Richard G. Gray, director of the School of Journalism at Indiana University, president of AEJ, and chairman of the ACEJ intern committee that developed the guidelines. Gray notes that the AEJ study found some schools that were offering up to half their coursework in internships, with very loose supervision. "Our feeling was that we were falling down in our obligation to provide students with a meaningful educational experience," he says.

Baskett Mosse, the executive secretary of the ACEJ, who is on leave as professor of journalism at Northwestern's Medill School of Journalism, describes the practices of some schools as tantamount to "academic fraud." "When a student pays tuition to a university and then is assigned to a newspaper or radio station or PR firm and works under their staff and the university doesn't do much else, that's an abuse. We're not against properly supervised internships. We just see a bad practice that's gotten out of hand and we're trying to protect students from it."

While most journalism professors who were questioned shared Mosse's indignation about the casual farming out of students, they declined to name the schools that they felt were the worst culprits. But a reporter found several schools that exceed the ACEJ's 10 percent rule.

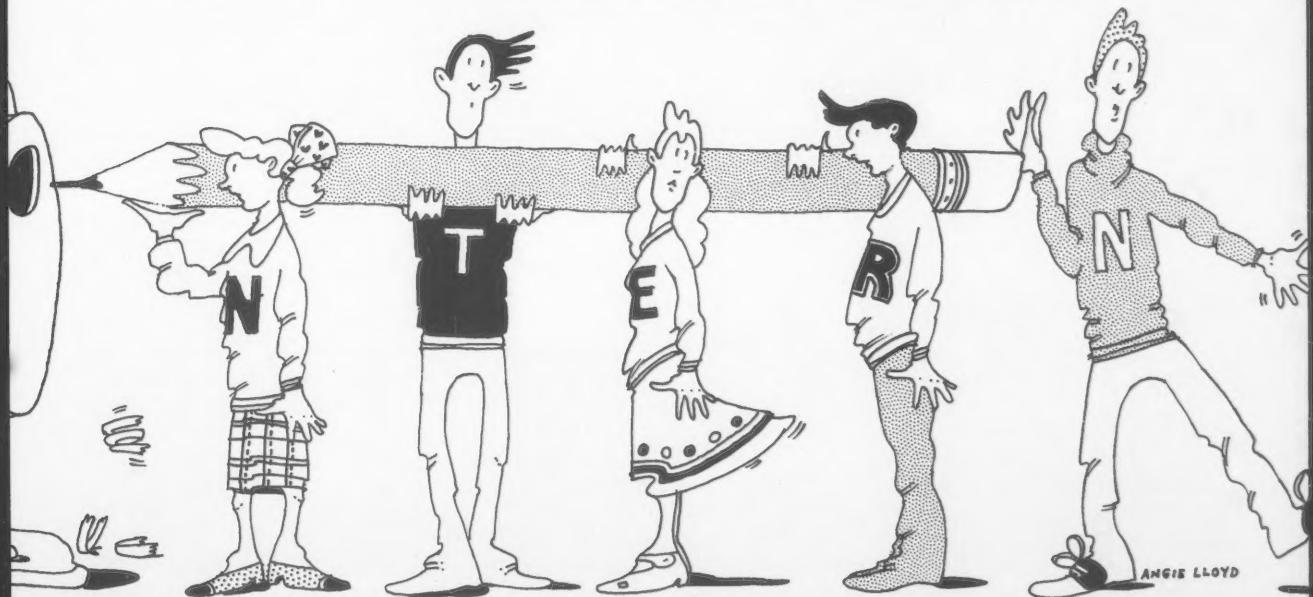
At Livingston College in New Brunswick, New Jersey, part of Rutgers University, journalism students are required to take twelve out of forty-eight required journalism credits in the form of a junior-year internship. Until recently, journalism majors at Penn State could earn up to six of twenty-seven required journalism credits by working as interns. At Northwestern's Medill School students may substitute internships for three out of ten required academic "units." And at the University of Massachusetts at Amherst a journalism major not only can get ample credit in his major field for an internship—six out of a total of thirty required units—but may substitute additional media internships for some of his non-journalistic courses as well.

**S**pokesmen for these schools say that the question of how many credits a student gets for internship is less important than the question of what he is learning about his craft. "We keep a tight reign on our interns," says Jerome Aumente, chairman of the journalism and urban communications department at Livingston. "We monitor what they're doing to make sure there's a real learning experience going on." Penn State intern coordinator Bill Dulaney claims his school's

internships are "as structured a learning experience as one might find in any classroom." Raymond Nelson, associate dean of the Medill School, points out that internships at Medill are integrated into a "teaching newspaper program" whose staff regularly visits interns on the job. Interns are required to send the school their clippings, an assignment log, and a weekly journal of their activities and impressions.

But UMass's acting director of journalistic studies Howard Ziff concedes that six out of thirty credits "is probably too many to give for an internship." Ziff says the school may reconsider its intern policy.

At Columbia University's Graduate School of Journalism, associate dean Chris Trump says that school has a firm policy against granting credit for internships because it doesn't believe in farming out its students. "Ours is a graduate program; it's expensive, brief, and intensive," says Trump. "When someone spends that much time, energy, and money, we think they deserve the full attention of our faculty." Like other journalism educators interviewed, Trump has been approached by editors who offer to take on an intern in return for the university's granting credit, and he recalls an offer from a Washington, D.C., TV station in particular. But he refused. "It would



have been a case of a university trading its credit in exchange for a student's doing donkey work in a broadcast outfit." While Trump feels this practice "borders on ripping off young people," he realizes that many students feel differently. "They're just happy to get a foot in the door, even if they only get to carry coffee."

Because of this eagerness to get a foot in the door, media employers have been able to secure the services of interns without paying for them. A former City University of New York student who worked briefly in 1977 at New York's weekly *Village Voice* bitterly recalls her experience as an unpaid intern. "There's something particularly exploitative about a so-called liberal publication that requires its interns to work five days a week, eight hours a day for three months with no pay," the young woman says. "The interns perform a really valuable function there," she adds, noting that her responsibilities included taking care of an editor's desk—answering her phone, handling the mail, indexing the paper. "Nobody can tell me they can't afford to give interns something—ten dollars a day, carfare, lunch money, something." The student received five credits for the internship, but quit in disgust before the full three-month program was over.

Five out of six of the more than 1,000 media employers listed in Claxton's 1980 guide pay their interns a salary. The average pay is about \$140 a week; top pay is about \$300. But 50 of the 700 daily and weekly newspapers that Claxton lists, 9 of the 27 magazines, 50 of the 171 radio stations, and 67 of the 152 TV stations expect interns to work for academic credit or nothing at all. One TV station, the SECA Network in Columbia, South Carolina, charges students a \$100 fee for the privilege of being an intern. (Magazines that do not pay their interns a salary include the *Columbia Journalism Review*. Interns there are paid, however, for special research jobs, for anything they write that appears in the *Review*, and for messenger work.)

Many (perhaps most) unpaid in-



ternships are tied in with journalism schools, some of which actually insist that their students *not* be paid when they work as interns. This is the policy of Northwestern's "teaching newspaper program," in which undergraduate journalism students who choose an internship in lieu of on-campus courses in copyediting and reporting work full-time for a ten-week quarter as reporters and copyeditors for one of a number of "teaching newspapers." The students pay \$1,805 tuition for the quarter and get no pay.

"We're not sending them full-fledged journalists," says Medill's director of undergraduate studies Craig Klugman. "These are beginners, people who need to be trained." Klugman says there is another reason for the no-pay policy. "In order for us to have control over the program, we cannot allow the student to go on the payroll." Without that control, he adds, "it's conceivable that an intern could work for ten weeks and do nothing but police and fire runs. What kind of leverage would we have over paid employees?"

But Tom Engleman of The Newspaper Fund, a private foundation sponsored by Dow Jones & Company, Inc., one of whose purposes is to arrange paid summer internships for students with newspapers around the country, calls the free internship "one of the biggest sins in the business." "I've heard editors say they don't feel college students are professionals and shouldn't be paid.

There's also this attitude that this kind of work is in such demand that they don't have to pay to attract people. That sounds like a turn of the century attitude. The point is it's just not very professional not to pay people for their work."

Robert Kenyon, executive director of the American Society of Magazine Editors, which runs its own summer internship program with about fifty magazines, says that magazines participating in the program are required to pay a minimum \$150 a week. "Of course there are magazines that are open to anyone who wants to come and work there free," Kenyon says, "but we don't consider them internships." And Dr. Harold Niven, executive secretary of the Broadcast Education Association, the educational arm of the National Association of Broadcasters, the umbrella group for members of the TV and radio industry, says his organization urges its members to pay interns at least the federal minimum wage.

The most outspoken critic of unpaid internships is The Newspaper Guild, which sees them as a threat to reporters' jobs and union wage scales. "There's no question that unpaid interns are exploited," says David Eisen, director of research for the Guild. "If all that happened was that a student went into a newsroom, got instruction, and his copy was never used, there'd be no problem. But when his copy is used in competition with others who get paid, then he's being exploited." The Guild's position, Eisen said, is that interns should be paid the going salary for inexperienced employees.

Many employers, however, say they could not afford interns if they had to pay them. This is the position of, among others, Charles McConnell, production manager for Channel 52 in Trenton, who argues that the broadcast industry is more justified in not paying interns than the print media because of the higher risk of using untrained people around expensive equipment and in on-location broadcast situations. "For the employer, interns are a dead wash," McConnell charges. "They do meaningful work only

about half the time. The rest of the time they get underfoot, slow you down, and are a pain in the neck. They come out ahead because they learn something."

Editors have been accused not only of using interns as slave labor, but also of taking advantage of their availability in order to fire existing employees. In the summer of 1978 a minor scandal erupted at *The Westfield Evening News*, a daily with a circulation of 8,500 in Westfield, Massachusetts, that is owned by the Allbritton chain and has a history of labor troubles. Two weeks after the firing of the sports editor and a reporter, two students from the University of Massachusetts at Amherst came to the paper as summer interns, in return for \$10 a week from the paper and academic credit from the university. Staff members at the *News* contacted Lawrence Pinkham, chairman of the university's journalistic studies program, charging that the *News* management took advantage of the interns' arrival to reduce its regular staff. Staffers and ex-staffers disagree as to whether the charge was valid. But there was enough evidence to persuade Pinkham, who discussed the matter with the *News* management, to recall the two interns.

**W**hile virtually all the journalism school people and editors interviewed are in favor of student internships, they agreed that some programs are so poorly organized, badly supervised, and in some cases so limited to menial tasks that interns get little out of the experience. Stories abound of interns who arrived at jobs expecting to write copy, take photographs, or help produce shows, but who wound up on the switchboard, cutting clips or doing secretarial work. And Livingston's Aumente says his department has sent no interns to a national newsletter since learning that the editor asked an intern (a black female) to vacuum the office.

Carol Barrale, a twenty-two-year-old senior at Villanova University, recalls that when she worked as an intern for radio station WCAU in Philadelphia in 1979, "there just

wasn't that much they were willing to let you do." She spent about a third of her time doing research for the station's consumer reporter. The rest of the time she answered phones and opened mail. "We rarely got to talk with the reporters or the producer, and I never got near the equipment," Barrale says. "If I wanted to watch a television newscast I had to get the producer's permission, have someone escort me to the studio, and then I'd get to watch the newscast through a glass window."

A former *Village Voice* intern described what he learned at that paper as "high class secretarial skills." "Our responsibilities revolved around answering the phones. Occasionally an editor would come over, put his hand on your shoulder and ask if you minded calling Madison Square Garden to reserve a couple of tickets for the Knicks game." The intern said that he got some research assignments and even had a few items published, but that an intern at the *Voice* really has to "hustle" if he wants to learn anything.

Many editors treat their interns not as office boys, but as junior colleagues. Tom Wilkinson, assistant managing editor for personnel of *The Washington Post* and head of the paper's summer internship program, which assigns interns to full-fledged reporting and copyediting responsibilities at Guild wages, sees no value to anyone in using interns as low-level office help. "There are already people in the newsroom who do that, and it's supposed to be an educational experience for them. We also benefit from it because some of our interns are awfully good."

But Robert Brill, an assistant editor at the *Voice*, argues that it is reasonable for a paper with a tight editorial budget to ask its interns to perform necessary office chores in addition to writing and doing research.

"There's got to be a tradeoff between their getting exposed to a real news outfit and the paper's need to have certain tasks done," Brill says. "We hire interns as editorial assistants and I think that includes buying an editor a pack of cigarettes as much as it does going out to interview the City Council president."

As internships proliferate, efforts will doubtless continue to subject them to regulation. Some unions are already taking steps to bring interns under their control and to protect union members from what they see as the threat to their jobs that interns pose. The *Village Voice*'s current contract with the union representing its editorial employees specifies that interns may not replace regular bargaining employees. Some union contracts with newspapers require that interns be paid at the union scale for entry-level jobs. Journalism schools will also be under pressure not to use internships as a way to save money and to evade their educational responsibilities.

**N**o one seriously questions the fact that most internships are valuable learning experiences. Robert Carrell, head of the School of Journalism and Mass Communications at the University of Oklahoma, says internships are beneficial "if there is a stringent screening process, if the intern is prepared to capitalize on the opportunity, if the media provide the opportunity, and if the school and the media agree on goals." Dr. Niven of the Broadcast Education Association feels that only a small minority of broadcast internships are bummers and that 80 to 90 percent are beneficial "because they get students right into the broadcast operation." Even the Guild's Eisen stresses that the Guild is not opposed to the concept of internships, but to the abuses that occur in some of them.

Joan Gastman, a University of Missouri senior, who worked as an advertising intern for the Little Rock *Arkansas Democrat* last summer, describes her experience as "just terrific." Gastman, who did advertising layouts, wrote copy, and designed advertising campaigns that gained the paper two new clients, believes her internship experience is one reason she has already been offered a job in advertising after graduation. "My school work has prepared me," Gastman says, "but in terms of getting into the job market it's the practical experience that counts and the successes you've had there." ■

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# Environmental reporting in boomtown Houston

by LEE HOCHBERG

*Three years ago, in "Phosvel: A Tale of Missed Cues," the Review took a look at the quality of environmental reporting in Houston's two dailies. That article found that The Washington Post had beaten out Houston reporters on a story that had "existed for years in their own industrial backyard." One Houston reporter commented, "We just weren't aware of what was happening."*

*Have Houston's dailies become more aware?*

**T**wo important stories—about a nuclear power plant and a nuclear waste treatment plant—broke in Houston last year. What follows is a brief account of how *The Houston Post* (circulation: 325,000) and the *Houston Chronicle* (circulation: 338,000), covered or failed to cover those stories. It is a tale of indifference, understaffing, and deference to official sources. And it points up the important role small publications must, by default, continue to play in the field of environmental reporting.

**The South Texas Nuclear Project**  
Located in Bay City, about ninety miles southwest of downtown Houston, this plant will be the nation's largest nuclear power facility when it begins operation (in 1984, according to the present schedule). But cost overruns and allegations of careless and dangerous construction procedures have plagued the plant and its consortium of backers (including, locally, Houston Lighting & Power) since work began in 1973. The Nu-

*Lee Hochberg hosted an environmental talk show for KTRH, in Houston, for two years and was later a newscaster at KILE in Galveston and a freelance contributor to In Between. He is currently attending the Graduate School of Journalism at Stanford University.*

clear Regulatory Commission has cited repeated instances of lax self-monitoring of STNP's construction by Brown & Root, Inc., a Houston firm. NRC reports in 1977 and 1978 cited violations ranging from unqualified process inspectors and faulty inspection records to "failure to follow procedures during concrete placement"—an error which caused large air pockets to form in the walls surrounding a reactor containment building.

Through 1978, the *Post* and the *Chronicle* provided scant coverage, based largely on NRC press statements, of the construction violations. "I'm not sure there was that much to write about," says Harold Scarlett, the *Post's* environmental writer.

Reporters elsewhere in Texas found that there was something to write about. Bruce Hight of the *Austin American-Statesman* did extensive reporting of STNP's problems, as did journalists in Dallas and San Antonio. And in Houston in early 1979, freelancer Andy Sanson began plowing through NRC reports on the project at the Bay City public library. There he found evidence that bolts not up to specifications had been used to anchor pipes that will carry radioactive water, that construction crews were using outdated blueprints, that inspectors were filing fraudulent construction approvals, that some inspectors who did not were being harassed by laborers and pressured by Brown & Root, which was anxious to avoid additional costly delays in the plant's construction.

*Houston City Magazine* (circulation: 50,000) scheduled the publication of an article by Sanson and David Crossley, a *Houston City* editor, in the May 1979 issue. In April, with the magazine at the printer in Dallas, Sanson learned that his story had been pulled by owner Francois

de Menil, a New York filmmaker and the son of the heiress to the Schlumberger oil technology fortune. De Menil told his staff he had yanked the piece to give his personal libel lawyers a chance to check out the article. (*Houston City's* lawyers had already passed on the piece.)

De Menil, whose family has close ties with Houston oilman George Brown, founder of Brown & Root, then said that the article would run in the June issue. Again the story was sent to the printer; again de Menil yanked it. "I think it would be hoover us to spend more time researching this story," he told his staff at the time. Senior editor Laura Furman resigned in protest and Sanson withdrew his article from *Houston City*, whereupon it was published in the June issues of *Breakthrough*, a Houston feminist monthly newspaper (circulation: 10,000) and *In Between*, a biweekly in nearby Galveston (circulation: 13,500).

**M**eanwhile, what were the *Post* and *Chronicle* doing with the STNP story? From January through July, while papers statewide were turning up NRC evidence of new air pockets in the containment building wall, the *Chronicle* did not run a single by-lined story on STNP. (It did run a few unsigned short pieces and wire service notes.) Even after Sanson's article appeared in the two small publications, the *Chronicle* did not step up its coverage.

"I guess the whole thing didn't set off a fire alarm in my head," says Carlos Byars, the *Chronicle's* science writer, who says he spends about 60 percent of his time on environmental coverage. "What was the likelihood that the accusations were correct? Why would a source want to disclose that information? I didn't cover STNP because I didn't think

there was a story there. I had other things to do."

At the *Post*, Scarlett reported on the STNP in 1978 and January 1979, then dropped the story until June. An unbylined June 23 piece, tucked away near the death notices, quoted a Houston Lighting & Power spokesman as saying that new air pockets in the containment wall were not "any great problem." Two July articles that, in effect, canceled each other out (N-PLANT CONCRETE POUR BELIEVED SOUND and NUCLEAR REGULATORS WITNESSED CONCRETE VIOLATION), got more prominent play. This mini-spate of articles followed the publication of the *In Between* and *Breakthrough* pieces and a phone inquiry from a *Texas Observer* reporter regarding the *Post*'s erratic STNP coverage. (In July the *Observer* ran a short article on coverage of the STNP called "Nuclear Oversight.")

On October 4, CBS News aired a report on the STNP on its morning *Magazine* program. The show disclosed that the FBI had been investigating the plant for three months and that, according to a former inspector, concrete pourings had gone uninspected for five months in 1977. The network attention prompted a flurry of coverage in the *Post*. Over the next two months, Scarlett produced ten bylined reports, including

three front-page stories. The *Chronicle* ran four short pieces, none bearing Byars's byline and none receiving prominent play.

#### Galveston's nuclear waste site

*In Between* also beat Houston's two dailies to a story about a nuclear waste treatment plant in nearby Galveston. (Galveston County is considered part of the Houston metropolitan area. Galveston serves as Houston's beach.) In a series of articles beginning in September 1979, freelancers Joel Barna and Tom Curtis reported that 10,000 barrels of spent nuclear waste were stored at Galveston's Todd Shipyards (the plant manager had claimed that about 1,000 barrels were on site); that Todd was dumping unmonitored amounts of low-level nuclear waste into Galveston Bay; that OSHA inspectors, called to the site by the Galveston County Health Department, had been barred from the site; and that the federal government, despite all this, was thinking of storing high-level nuclear wastes (from foreign nuclear power plants) on the island.

This time the *Post* picked up, but added nothing to, *In Between*'s findings. At the *Chronicle*, the Todd story was virtually ignored. "Todd seemed to come across pretty straightforwardly," Byars says. "I

thought *In Between*'s stuff had sort of a hysterical tone to it." In February Todd announced it would get out of the nuclear waste business as of next year.

**W**hy are Houston's dailies so slow to cover such stories? Scarlett of the *Post* says he is swamped. "Do I cover land use, or chemicals, or nuclear power, or what on any given day?" he asks. "I have to set priorities and sometimes I make mistakes. I'm all alone at the *Post*. I'm sorry there aren't ten of me."

Byars of the *Chronicle* says, "I might sound like an environmental heretic, but I don't see any reason for environmental reporting in Houston. For instance, we cover the petrochemicals industry from the business standpoint very well; we don't need a special environmental beat to cover another side. We don't have to cover industry's fencelines—if anything happens, we can cover it through the regulatory agencies."

Steve Singer, a former *Chronicle* reporter and recent winner of an Emmy for "The Killing Ground," an ABC News environmental documentary, is not surprised by Byars's attitude. "The *Chronicle* was without an environmental reporter even when the movement was at its peak," he recalls. "The paper is tied closely into the business community and the Chamber of Commerce, and has never shown any enterprise regarding stories that opposed Houston's boomtown image."

Joe Murphy, publisher of *In Between*, predicts that so long as Houston's boom, based on the petrochemical industry, continues, "there will probably be no improvement in environmental coverage." Houstonians perceive that they will "lose more than they will gain" from tough coverage, he believes, adding: "When we ran our vinyl chloride piece [see sidebar], we heard from several public officials but from hardly any residents. The people seem willing to accept some health costs for a chance to share in Houston's boom."

The prognosis for improved environmental reporting in Houston's dailies seems gloomy.

*continued*

Barrels of trouble? An aerial view of the Todd Shipyards nuclear waste treatment plant, in Galveston



*In Between* magazine

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*The toxic trail: chemical waste pits near the site of a since-closed trailer park (left). Infrared aerial photos show pits and contaminants (black areas along highway) seeping toward Galveston Bay*

## Official sources—and a 'no problem' dump

Last July, while I was working as a newsman at a Galveston radio station, I got in the mail an EPA press release about some abandoned chemical waste pits thirty miles south of Houston. I wondered what was in the pits. Joe Murphy, publisher of Galveston's *In Between* magazine, for which I had freelanced, encouraged me to find out.

The EPA declined additional comment because of its involvement in pending litigation concerning the site. At the Texas Department of Water Resources (TDWR), in a Houston suburb, however, I found on public record a file on the waste site. It contained a Texas Air Control Board (TACB) interoffice report dated July 27, 1978, that said carcinogenic vinyl chloride was drifting from the pits into an adjoining trailer camp, and it concluded: "there is a significant level of vinyl chloride emissions from the pits, and people in the nearby residential areas are being exposed to concentrations in excess of a recommended health standard."

The trailer park had closed shortly after the TACB made its report. The park's former owner, who said he had shut down the park for financial reasons, expressed shock when I told him of the vinyl chloride danger. The TACB, it

seemed, had not informed the trailer residents of the suspected danger, and now those residents had scattered, unaware of their exposure to the toxin.

I presented my findings to TACB regional administrator Lloyd Stewart. The Air Control Board had not informed the residents of the danger, Stewart told me, because "We didn't want them to panic."

Dr. Norman Trieff, codirector of the division of environmental toxicology at the University of Texas Medical School at Galveston, called the board's response "unethical, immoral, and maybe illegal," and he verified that some of the 600 people who had inhabited the park over recent years faced a "definite possibility" of contracting liver cancer or glial tumors of the brain.

A couple of days later, I acquired from a local environmentalist a striking infrared aerial photograph. It showed that contaminants from the pits were seeping into Galveston Bay, a source of seafood for much of the nation. A Water Resources Department investigator admitted to me that the poisons would cause "very serious health effects" if they entered the seafood chain.

I disclosed my findings in the August 1979 issue of *In Between*.

Harold Scarlett, the *Post*'s environmental reporter, read the piece and called Stewart at the Texas Air Control Board for verification; Stewart wouldn't provide it. In a short piece headlined COVER-UP CHARGE DISPUTED, the administrator was quoted as saying that the TACB hadn't really been sure that any danger to the trailer residents had existed. Scarlett's article did not mention the TACB report which originally described the vinyl chloride danger, nor did Scarlett consult Dr. Trieff.

"I've been dealing with Stewart for many years," Scarlett explains, "and I trust his judgment. If he says there's no problem, I believe him."

Carlos Byars, the *Chronicle*'s environmental reporter, ran no story on the pits. If he had, he says, he, too, would have trusted Stewart's judgment.

Not until five months later (January 5, 1980), when state EPA and other officials called the pits a "desperate situation" and the "worst in Texas" during a January on-site inspection, did either paper report again on the waste site. And neither article mentioned the former residents of the trailer camp or the continuing danger of seafood contamination. Digging below the official level isn't popular in boomtown Houston.

L.H.

# SOLZHENITSYN: "ANYONE NOT HOPELESSLY BLINDED BY HIS OWN ILLUSIONS MUST RECOGNIZE THAT THE WEST TODAY FINDS ITSELF IN A CRISIS, PERHAPS EVEN IN MORTAL DANGER."

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# BOOKS

## Low pitches, high dudgeon

**The Duping of the American Voter: Dishonesty and Deception in Presidential Television Advertising**

by Robert Spero.

Lippincott & Crowell. 256 pp. \$12.95

by RON POWERS

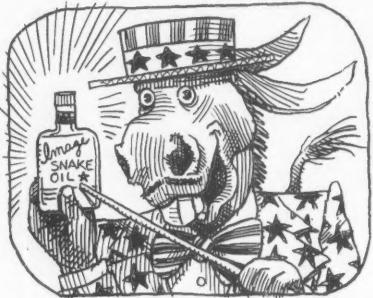
George Bush's television campaign commercials before the New Hampshire primary were the class act of the seven-man Republican show. Created by the Robert Goodman Agency of Brooklandville, Maryland, they crackled with slickly edited action vignettes and projected the illusion of a dashing young conservative hero swept along in a great popular tide. Ronald Reagan's commercials, by contrast, resembled the worst outtakes from an antique General Electric spot. The candidate just stood there facing the camera as though it were a red traffic light. But that wasn't the worst of it. As he recited his well-worn litanies culled from "The Speech," Reagan's eyes began to shift and wander down along a latitudinal plane roughly commensurate with the viewer's suspender buttons. Clearly, the former star of *Bedtime for Bonzo* was cribbing his material from cue cards—and, just as clearly, no one had bothered to position the cards within four feet of the camera. The effect was one of shocking ineptitude.

Which Republican won the New Hampshire primary, and by what margin, should be in the mind of any reader who approaches Robert Spero's brooding meditation on the effects of political advertising in American elections.

Ron Powers, a novelist and Pulitzer Prize-winning media critic, is the author of *The Newscasters*.

In his first sentence Spero establishes a doctrinaire motif that is sounded throughout without the slightest qualification or substantiating evidence. "This book," he writes, "is about the way presidents have been elected in America since the appearance of the political television commercial, *for twenty-eight years now the chief political campaign weapon.*" (Emphasis added.) Unfortunately, the motif ultimately devours the one critically provocative argument that Spero raises against political TV ads—an argument that deserves a less incendiary analysis in this election year.

The author, a vice-president and creative supervisor at Ogilvy & Mather, would have us believe that from the moment Dwight Eisenhower



rasped out his first BBD&O-created "answer" to a citizen's set-piece "question" in a 1952 ad (forming a TV image "transmitted through space at 186,282 miles per second before entering the viewer's brain through the eyes by means of TV X-rays"), the American voters were turned into instant Mortimer Snerds, moving their wooden heads this way and that at the whim of the malign Edgar Bergens of Madison Avenue. No gradations. No allowances for the relative scarcity of TV sets in 1952. Nor for the influence of party loyalties. Nor for family voting

patterns. Nor for the prevailing social climate. Nor for the influence of news coverage. Nor for any of the hundred other factors that have been understood to influence voters' choices across two centuries.

Pausing only to adjust the brim of his fedora, Spero beckons us to descend with him into a nether-America in which the political ad has seized control, like Al Capone in the Captive City. Not only does it rule presidential elections (Jimmy Carter's ads won in 1976, Spero assures us, only because Gerald Ford's ads didn't), but—get this—it created constituencies for policy decisions that shaped Vietnam and Watergate as well.

This aspect of *The Duping* is extraordinary. Occupying an immense center of the book, it is a feat of circumstantial reconstruction that would warm the cockles of any aficionado of the Warren Commission debate or visits by ancient astronauts. Through exhaustively detailed chronologies of both Vietnam and Watergate, Spero has attempted to demonstrate how, at critical turns, TV political ads have loomed in the national consciousness to "create mandates" or "generate great political capital" that will provide the "margin of victory" necessary to carry out each incremental high crime and misdemeanor that we have come to know and love so well.

This would be an absolutely splendid piece of journalism, an analytical triumph—if only Spero had bothered to prove his fundamental premise: that presidential elections turn on political ads. But the documentation, the correlation—they just aren't there. Has anyone established that these commercials influence votes? Spero doesn't say.

Absent any enlightenment from

Spero, one must turn to other endeavors in the field. A current and well regarded inquiry is *The Unseeing Eye*, published by G.P. Putnam's Sons. Its authors, Thomas E. Patterson and Robert D. McClure, two political scientists at Syracuse University, interviewed more than 2,000 voters during the 1972 election campaign. They found that voters do derive more "information" from TV ads than they do from network news coverage—suggestive stuff indeed. However, the two authors concluded that, information aside, only 3 percent of their interview subjects were influenced in their voting patterns by TV ads.

Hardly the lemming-like hordes that Spero implies were induced unwittingly to further the crimes of Vietnam and Watergate by their commercial-inspired voting patterns. Besides, if the other side is also busy pumping its own Orwellian payload into the brain, through the eyes, via TV X-rays, isn't there some sort of mutual cancellation factor? Again, Spero doesn't say.

All of which might damn *The Duping of the American Voter* into that limbo of eccentric tracts that bloom in any election year—except for one unavoidable fact: the author does have something intelligent to add to the controversy surrounding TV political spots. The strength of this contribution is such that his surrounding pyrotechnics are all the more infuriating for their obfuscating effect.

Spero's useful kernel is his reminder that political commercials, though quite similar to product ads in technique, pacing, and length, are different—in what he correctly calls a "vital distinction": they are not regulated for truth in advertising, as are product spots. He points out that

nine federal agencies—the Federal Trade Commission chief among them—have created a forest of rules and guidelines to guard against deceptive claims, false disclosure of ingredients, poor taste, and other temptations that lure creative directors from virtue. Political ads escape this filter of accountability.

Since their "product" is ideas, not consumer goods, the free speech provision of the First Amendment would seem to stand in the way of virtually any appeal to standards of fairness and honesty. Moreover, Section 315 of the Communications Act appears to strip broadcast license-holders of any discretion in limiting nefarious political spots. It stipulates "equal opportunities" for all candidates for a given office, and adds

bounds of accountability and fair play while safeguarding the First Amendment freedoms of the candidates and the creative consultants who package their ads?

Unfortunately, Spero is not too interested in seeking an answer. By this time he is hopping mad—storming around the pantheon of famous presidential campaign spots, slapping mock citations on those that he deems "unethical, perhaps even illegal." (The citations are based upon a hodgepodge of commercial regulations and guidelines.) Thus Carter gets nine citations for his 1976 ad campaign; Gerald Ford is socked with ten. Storming back through history, Spero unloads fifteen citations on Lyndon Johnson, five on John Kennedy. Ike himself gets ten, including one that reads, "taste of presentation unacceptable," which causes one to wonder about the clarity with which he views his own domain, the television commercial landscape. Does he honestly believe that nine federal agencies and network self-regulating codes have erased hidden persuaders from the product-advertising arena?

As all regulation muckraking books must, Spero's ends with a call to reform. Having seized and cast aside several possible remedies (ban? regulation? Supreme Court review? no, no, no . . .), he finally, in desperation, throws in the ever-popular "Popular Rebellion" kitchen sink: More newspaper scrutiny. Abolish the fairness doctrine. One-term presidents. End the electoral college. Shorten the campaigns. A code "with teeth." Begin licensing media consultants—*anything!*

The problem with most of these "solutions" is that they would meet resistance from the same devils who crept into office on the mind-bending power of political commercials in



that licensees "shall have no power of censorship over the material broadcast under the provisions of this section."

Granted that some, if not all, political commercials abuse the truth in varying degrees; granted that their claims are not subject to conventional regulatory review; granted, even, that at their best, political spots arguably blur the rational with the subliminal in a manner that contravenes certain basic assumptions of the democratic process. Granted all this, how is this emerging persuasive art to be brought within the

the first place.

And so we are left approximately where we began: duped, deceived, and doubtful about the efficacy of the American political television commercial—and seemingly no one to help us except this guy who's running around slapping citations on Ike.

## On the campaign beat beat

### The Pulse of Politics: Electing Presidents in the Media Age

by James David Barber

W.W. Norton & Company. 332 pp.  
\$14.95

by RALPH WHITEHEAD, JR.

James David Barber thinks he can feel a distinctive rhythm or pulse in American presidential politics. This is how he puts it, on page three of his new book:

From the turn of the century to the present day, three themes have dominated successive campaign years: politics as conflict, politics as conscience, and politics as conciliation. That sequence runs its course over a twelve-year period and then starts over again.

This is a new idea, and here's how Professor Barber sees it working:

Periodically, a campaign for the White House occurs strictly as a struggle for power. The stakes of this fight may vary, case by case—it could be a test of wills for the candidates, a struggle over a great issue or

Ralph Whitehead, Jr. teaches journalism at the University of Massachusetts. He is currently on leave, working as a reporter and anchorman at WLUK, Green Bay, Wisconsin.

a deep economic or cultural cleavage, or a partisan scrap of Us against Them. Nevertheless, the theme of the campaign will be *conflict*. The 1960 campaign is a good case. On the issues, John Kennedy and Richard Nixon were close enough to cover with a dime, but they did fight, through points of style and atmosphere.

Four years later, Barber finds, a new theme emerges. The previous campaign now seems in hindsight to have been a naked struggle for power without purpose. Thus, it's fitting for the new campaign to lend a new or renewed sense of purpose to the presidency. Here, the theme is *conscience*, the moral ends of high office. The 1964 campaign matched the leading conservative conscience, Barry Goldwater, against Lyndon Johnson, the civil rights crusader.

After four more years, the struggles for might and then for right have both run their course, Barber finds. It's time for a respite. The appropriate theme is *conciliation*. Thus, the 1968 campaign. Hubert Humphrey opened his side of it by intoning the prayer of St. Francis of Assisi: "Lord, make me an instrument of Thy peace. . ." Richard Nixon's slogan also fit the theme: Bring Us Together.

For Barber, the cycle then repeats: conflict in '72, conscience in '76, and look for conciliation to emerge this year, as it already began to do in the displays of national unity set off by the crisis in Iran.

For Barber, moreover, this pulse beats with a tribal force, moves at an archetypal depth. He likens its three themes to the basic terms of primitive sagas. He also fastens his themes to Freud's triad, the ego to conflict, the superego to conscience, the id to conciliation. Make no mistake, he sees his new idea as a big idea—and

gives journalism the major role in his whole scheme.

Barber argues that these themes emerge, that they find their voice and shape through what he calls



Sandy Huffaker

campaign journalism. Somehow, day-by-day, through trial and error, through hard reporting and softer speculations, through the workings of skepticism and romance, Barber's campaign journalists hit upon the season's theme. And they do it predictably, he finds, as if through the force of nature.

On its face, this scheme is plausible and even persuasive.

For one thing, though he considers and portrays twenty campaigns all told, Barber comes up with only a single obvious clunker: the 1972 Nixon-McGovern campaign simply wasn't a campaign of conflict. Even so, this campaign did lead quickly into the Watergate battle of the following years. So the pulse of conflict did surface, slightly behind Barber's schedule.

What's more, his scheme is nicely suited to the extrapartisan nature of American politics. As every school child knows, the old parties are losing their ability to shape our political life. This duty now falls by default to

the news media. Thus, what Barber is able to say and show is helpful. Namely, the germ of extrapartisanship has been present since 1900, it began to surface around 1940, and it is of course flourishing this year, as the early success of an extrapartisan figure like John Anderson would show.

To be sure, Barber does overlook some crucial pieces of partisan evidence. The 1948 campaign was a fighting campaign, but Harry Truman made it a fight by making it a referendum on the New Deal, a partisan economic philosophy. Sure, the 1952 campaign was an exercise in conciliation, but it would help to know why Adlai Stevenson couldn't or wouldn't turn it, too, into a vote of confidence on the New Deal and Fair Deal tradition.

This leads to the major shortcoming of *The Pulse of Politics*. As Barber would have it, these sequential themes lurk in the Jungian and



Freudian depths and somehow bubble up every four years, through the filters and channels and narrative conventions of campaign journalism. Though he devotes 308 pages of colorful detail to proving the 1900 campaign was indeed a conflict campaign, the 1940 campaign was in-

deed a conscience campaign, the 1956 campaign was indeed a conciliation campaign, and so forth—though he argues exhaustively on this score, Barber never gives us a close reading of precisely *how* a given theme was set for a given year.

What is the weight of events in setting a theme? What is the role of popular opinion? What is the force of a candidate's own reading of the popular mood, or a party's reading of the times? How influential is the line taken by the campaign reporters' pack? How powerful are the image makers, the professional communications consultants who make it their business to read the times and then shape a campaign strategy to suit them? These are all issues of weight and shading and precision, and Barber simply doesn't face them.

The trouble is, he doesn't display a crisp enough sense of what he means by campaign journalism. At times, he uses the phrase in a narrow sense, as the work of pundits and political reporters. At other times, he uses it far too broadly to stand for virtually all forms of opinion leadership, provided they flow through impersonal media channels rather than through face-to-face ties.

Yet, this book does end with sound advice for conventional campaign journalists. After putting the boys on the bus onto his couch, for a long session of free association and clinical analysis, Doctor Barber does offer them some therapeutic help in coming to grips with their quadrennial compulsions for conflict, conscience, and conciliation.

If you feel the impulse to cover a donnybrook, suggests Barber, this doesn't make you a bad person. You must deal with it by placing it on high journalistic ground. Don't show the scrap occurring on points of per-

sonality and triviality, but report on the candidates' respective world views, their readings of where the nation stands, where it should be, and how it can get there. Thus, let the fight be a struggle of competing visions.

Similar advice holds for the other two narrative drives. The conscience story can be turned into the character story. The journalistic form for



this is the life story, the biography, the character analysis based on extensive reporting. The conciliation story can be channeled into the account of a candidate's following. What kinds of people are turning to this person, for what reasons, and how does this following equip them all to run the country?

To be aware of the force and patterns of these themes, Barber argues, is to learn to overcome them. "Sooner or later we will shuck off the myths that in our own experience, prove to serve us ill," he says in his peroration. "Those who tell the story, those who act in it, and those who think through what it yet might mean have the chance to breathe new life into our old adventure." And do it on deadline, besides.

*continued*

# Babies, Strikes and Compulsory Unionism Don't Mix.

**M**arlene Swanson, R.N., is a dedicated nurse who takes care of newborn babies, many of them premature, most of them black and Hispanic, and all of them in need, at a community hospital outside Providence, Rhode Island.

When an illegal strike was called, Marlene refused to join it. She crossed the picket line and reported to work because, as she says, "Nurses take the Hippocratic oath too, like doctors. I feel a moral responsibility to those infants."

Angry union officials immediately retaliated. Marlene, along with the other nurses at the hospital, had been forced to join the union to keep her job. This compulsory union membership, union officials claimed, made all nurses subject to fines for any disobedience of their decisions.

They charged Marlene Swanson with violating union by-laws, held a sham "trial," and fined her \$250 for taking care of her infant patients during the strike. When Marlene appealed the fine to the union membership, they increased it to \$300!

An undaunted Marlene refused to pay the fine, and the union took her to court. At first, she didn't know where to turn for the legal help she urgently needed. After all, she was just one member against the entire Rhode Island State Nurses Association.

Then she remembered reading about William F. Buckley, Jr.'s legal battle against a union, and called his office. She was referred to the National Right to Work Legal Defense

Foundation, which agreed to provide counsel.

A defense was prepared and presented so effectively that the union suggested the case could be settled out of court if Marlene would give the fine to charity. She flatly refused "because a lot of other nurses were watching to see what happened to me. I could not admit I was guilty of anything."

A judge of the Rhode Island Superior Court emphatically agreed, handing down a directed verdict against the union and for Marlene Swanson. Judge Clifford J. Cawley ruled that state public policy was quite clear that strikes by nurses were illegal, and that it is the "zenith of asininity" to fine anyone for failure to take part in an illegal strike.

The importance of Marlene's victory became quickly apparent. When another illegal strike occurred at the hospital, not just one, but 18 nurses crossed the picket line, putting their patients first and their union second.

Marlene Swanson was fortunate. She received experienced legal help in a case that lasted nearly two years. She would not have won and established an important principle—that nurses cannot be compelled to participate in an illegal strike—without that expert legal assistance.

The National Right to Work Legal Defense Foundation is helping everyone it can—currently in more than 100 cases involving illegal union political spending, violations of academic and political freedom, union violence, and

other abuses of basic employee rights.

If you'd like to help people like Marlene Swanson, we'd like to hear from you.

The National Right to Work Legal Defense Foundation  
8001 Braddock Road  
Springfield, Virginia 22160



## No sissy she

### Cissy

by Ralph G. Martin.  
Simon and Schuster.  
512 pp. \$14.95

by JAMES BOYLAN

Eleanor Medill Patterson came from the most robust family tree in American journalism. Grandfather Joseph Medill made the *Chicago Tribune* the leading Republican organ of the nineteenth century; father Robert Patterson was a *Tribune* editor; first cousin Robert R. (Bertie) McCormick ran the *Tribune* during most of the first half of the twentieth century; brother Joseph Patterson started the New York *Daily News* in 1919; and a niece, Alicia Patterson, Joe's daughter, was the founder of Long Island's *Newsday*. For her part, Cissy, as she was called from childhood, spent the last quarter of her life as editor, publisher, and ultimately owner of the Washington *Times-Herald*.

Chronologically, she belonged to the same generation as Franklin D. Roosevelt: a girlhood in the era of robber barons; youth and marriage in the old Europe of king, emperor, and czar; middle years in the lush American 1920s; and the final years in the era of the Great Depression and World War II. She was born in Chicago in 1881, a year before Roosevelt, and died in 1948, having outlived him by three years and, not incidentally, come to loathe him.

Socially, she belonged throughout her life to the class of the ultra-rich, America's thin crust of conspicuous consumers. Although she showed flickers of social consciousness, her true life's occupation was expenditure—for clothes, for houses and lands, for entertainment, for travel. In this respect, she had all the self-indulgence of her mentor William Randolph Hearst, without his tendencies to gargantuanism. Indeed, the portrayal in this work of the wastefulness and profligacy, in bad

times as in good, of America's wealthy is, probably unintentionally, so repellent as almost to comprise a Marxist tract.

As an intellect, Cissy was not inconsiderable. She had great independence of mind, but, like most of the women of her time and class, she was given no systematic education; what she learned, she picked up on her own, in bits and pieces. Even so, she kept trying to put her mind to work. The excerpts Martin offers from her two novels show a talent well beyond the amateur; the extracts from her scattered reportage vividly anticipate, in acuity of observation, the New Journalism of the 1960s. Yet, despite all her firsthand and instinctive knowledge of the world of power (or perhaps because it was *only* firsthand and instinctive), she was at her worst as an editorialist, failing to rise above the intensely personal, the autocratic, the merely disputatious; moreover, the inroads of drugs and drink late in her life seemed to worsen these qualities.

And one must deal with her eventually as a moral being. What was her life worth? This cannot be weighed in terms of her wide-ranging sexual activities, which Martin chronicles tediously, nor in terms of her family relationships, which were largely disastrous, from her willful,

brief marriage to a Polish count to her final "divorce" from her daughter and only child, terminating a distant yet bitter parenthood. If the public good of her life had been weighed at age fifty, it might not have been substantial. If she had lived out her days as she had lived her first five decades, she would probably not be remembered much more vividly than, say, her cousin Medill McCormick (who was, after all, a United States senator).

**B**ut she is remembered, and it is largely because she ran the *Herald* (later the *Times-Herald*), the first woman, it is said, to head a major American daily newspaper. Why did she come to this life-work so late? Perhaps she found that power (as a recent public figure has noted) was the ultimate aphrodisiac, or perhaps she was drawn at last by family tradition. She arrived bearing a considerable burden—the vigorous, soiled traditions of Chicago newspapers; the jazz journalism of her adored brother Joe; a job proffered (at a token \$200 a week) by the owner of the *Herald* and *Times*, W.R. Hearst; and the tutelage at a distance of Hearst's long-time purveyor of intellectual popcorn, Arthur Brisbane. It is not surprising that she was unable to escape these in-

*The several lives of Eleanor Medill Patterson: was editorial power the ultimate aphrodisiac?*



James Boylan, founding editor of the Review, teaches journalism at the University of Massachusetts.

fluences; nor is it surprising that she seemed, by Martin's account, to run her paper like an eternal touring company of *The Front Page*. Nor is it surprising, finally, that this exciting, gossipy, unpredictable newspaper, operating on the standards of yellow journalism and regressive politics, was doomed.

Alice Albright Hoge, an earlier biographer of Cissy, confronts the truth about the *Times-Herald* as Martin does not: "It was a newspaper in search of causes, and it latched on to too many flimsy irrelevant ones. Its readers wearied of hearing about vivisection, allegedly quack doctors, the underpass at Dupont Circle [site of Cissy's residence], and the character failings of members of the Roosevelt Administration. The readers became conscious that they were buying poison with their news."

The *Times-Herald* lasted on Cissy's energies through her life, but collapsed quickly afterward. The paper's executives, to whom she willed

the *Times-Herald*, quickly dealt it off to her cousin Bertie, who in turn sold it to *The Washington Post*, thus giving the *Post* a morning monopoly in Washington that has now lasted a quarter of a century.

**T**he weighing of Cissy's life thus depends on the weighing of her years as an editor. Ralph G. Martin's is the third treatment of Cissy's life, and it is notable for paying considerably less attention to the final stage of her career than did its two predecessors (to which, it should be said, he gives generous credit—*Cissy* (1966), by Paul F. Healy, and *Cissy Patterson* (1966), by Alice Albright Hoge, a grandniece who was seven years old when Cissy died).

This is curious, because Martin's bibliography shows that he has outdone his predecessors in research: he has scoured Europe and America for books, documents, and interviews, and among the last has turned up an amazing number of people who re-

membered Cissy, even in the pre-World War I days in Vienna. Yet Cissy seems to slip away from him in those crucial last years; the last chapters seem to be merely a patchwork of anecdote—some of it bizarre, some of it outrageous (as when she sent a pound of flesh to her rival, Eugene Meyer, a Jew, after he won a legal contest with her), some of it only amusing, but very little of it given to evaluation or understanding. Perhaps the older Cissy interested Martin less than the younger, less serious one. Perhaps the responsibilities of those final years adapted less readily to the kind of tale Martin has been accustomed to spinning in his treatments of Jennie Jerome (Winston Churchill's mother) and Wallis Warfield Simpson. Or perhaps, as biographers do, he simply wearied of his subject. The reader would guess as much from his flat signoff after Cissy's death: "Only at the end did she want peace without loneliness. And, now, she had finally found it." Whatever that means. ■

## When the legal drinking age goes down,

It's a question a lot of people have been arguing. And State Farm's **Insurance Backgrounder** on the subject presents the evidence on both sides.

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# The New Argentina.

Everyone is talking about the *new* Argentina.

International leaders like Sunao Sonoda, Japan's foreign minister; President Francisco Morales Bermudez of Peru; Count Otto von Lambsdorff, minister of economics for West Germany; King Juan Carlos and Queen Sofia of Spain; and Willibald Pahr, Austria's minister of foreign relations—all recent visitors.

Prominent guests like David Rockefeller, chairman of the Chase Manhattan Bank; Michael Wilson, Canada's minister of foreign commerce, and Jack Spitzer, president of the Anti-Defamation League of B'nai B'rith.

And it's easy to see why.

Look at the great natural beauty of Argentina, ranging from the snow-capped Andes to the rich farming land of the Pampa. Frankly, it's a country of almost unlimited agricultural, mineral and forest resources.

And the streets of Buenos Aires, its capital of more than 8 million people, and other Argentine cities are peaceful and safe once again for citizens and tourists. The dark night of domestic unrest and chaos is over.

William D. Rogers, the former U.S. assistant secretary of state for Latin American affairs, contrasting his visit to Argentina in 1979 with one in 1975, said: "Nowadays, we live in another atmosphere."

That *new* atmosphere is everywhere.

Argentina has always been a cultural center of the Americas, and once again, the famous Colon Theatre is the busy hub around which the musi-



cal and dramatic life of Buenos Aires revolves.

Leading musical ensembles like the Hamburg Philharmonic Orchestra conducted by Aldo Cecato, the New York Philharmonic led by Zubin Mehta, and the Zurich Orchestra as well as famous stars like the internationally-acclaimed Italian tenor, Luciano Pavarotti, are featured. This year, Buenos Aires will celebrate its 400th anniversary with a year-long festival of the world's greatest music and musicians.

Argentina's economic future is equally bright. Net reserves in foreign

exchange are \$10 billion—compared with only \$20 million in 1976. The balance of payments surplus for each of the last two years has been \$2 billion.

Argentina's economic infrastructure continues to be expanded and strengthened. It is the leading Latin American country in nuclear development with a plant at Atucha completed and another at Embalse under construction. Four more electric-nuclear plants will be built by the year 2000. The billion-dollar Salto Grande hydro-electric dam between Argentina and Uruguay is already working.

The World Bank and the Inter-American Development Bank have approved loans of \$420 million to help finance the \$3.8 billion Yacyreta hydro-electric project on the Parana River along the Argentine-Paraguay border.

With its extensive on- and off-shore oil fields, Argentina expects to produce all of its own petroleum by 1982. What's more, the 1978-79 Argentine wheat harvest was 52.8% higher than the previous year. And industry is up 16.6% over last year.

As former U.S. Secretary of the Treasury William Simon said of Argentina following his recent trip: "In the past three years, it has seen more light than the previous thirty. And that is something seldom known in history."

The people and the government of Argentina are just as optimistic about the next 30 years. A new spirit is alive in Argentina—a spirit of vitality, determination and confidence in a better future for every citizen.

# UNFINISHED BUSINESS

## Iran

### TO THE REVIEW:

From three decades of observing the American media I would agree with Edward W. Said ("Iran," CJR, March/April) that it is inordinately afflicted with clichés, caricatures, ignorance, unqualified ethnocentrism, and inaccuracy. From a half hour of reading Said's article I am by no means persuaded that his collection of bigotries is any better than those of which he wrote. I wonder whether it was worth eleven pages of the *Review* to prove the point.

WATSON SIMS  
Editor  
*The Home News*  
Brunswick, N.J.

### TO THE REVIEW:

Edward Said is a selective reader. Among other things, he complains that the press has looked only "superficially" at the deposed shah's regime and its CIA origins. Somehow, Said overlooked my 3,000-word article on precisely these subjects, which began on page one of *The New York Times* on November 26, 1979, and filled most of page A12.

BERNARD D. NOSSITER  
United Nations bureau chief  
*The New York Times*

Edward W. Said replies: *When compared with the many, many words I characterized as containing only superficial accounts of the ex-shah's regime, Nossiter's informative 3,000 don't count very much, alas. Moreover, his article did not appear until late 1979, after twenty-five years of general press silence on the shah's regime and our crucial role in it, a role Nossiter barely acknowledges. What if the shah hadn't been deposed, and our embassy not taken?*

(An article on this subject begins on page 19. Mr. Said will have an opportunity to respond to that in the next issue.)

## What's in the *Journal*

### TO THE REVIEW:

It's in the *Review*, but this is an exposé? "It's in the *Journal*. But this is reporting?" (CJR, March/April), reads like an abbreviated version of a doctoral dissertation on some subject that is at the same

time obvious and obscure.

There is a very big difference between the kind of informational press release cited in the article and a product-puffing pitch. Every one of the stories whose headlines are circled is of legitimate interest to some *Journal* reader. So the fact they're in the paper can't be ground for criticism.

What is the charge? That they're not rewritten enough? The releases look pretty well written to me—with the right lead and pretty much all of the pertinent information included.

The only valid criticism that I can see in your article is the use of a staff writer line. But that's pretty small stuff on which to base a piece that gives the overall impression that the *Journal* is just a collection of handouts with headlines added.

DAN CORDTZ  
Economics editor  
ABC News  
New York

### TO THE REVIEW:

It's in the *Review*. But this is reporting? When it comes to telling the public what companies and the people in them really do or say, it's a damn shame there aren't more newspapers like the *Journal*. Journalism overall might not be losing its credibility so fast.

NORMAN P. TEICH  
Dallas, Tex.

## Counterpart

### TO THE REVIEW:

*Dart*: To the *Columbia Journalism Review*, for journalistic myopia in its *Dart* (CJR, January/February) that looked askance at the cosponsorship of the Texas Student Editors Conference by the Exxon Company. The *Review* listed some "leading journalistic lights" who took part in this allegedly oily affair, and failed to mention the most leading journalistic light of all: Columbia's own editor-in-residence, Norman Isaacs.

Incidentally, the topic of his talk was "Responsibility in Journalism."

FRED GRAHAM  
CBS News  
Washington, D.C.

*Belatedly the Review acknowledges Mr. Graham's point and concedes that the name of featured speaker Norman Isaacs, which was in the item as originally written, should not have been edited out. It should be noted at the same time, however, that the Dart was directed at the sponsors of the conference and not at the able speakers, Isaacs, Graham, Vancour, or others.*

## Metro-Hebdo canards

### TO THE REVIEW:

As editor and co-founder of *The Paris Metro*, I must have been interviewed a good six times by different people purporting to be doing a piece for you. The final product ("Trenchant Frenchmen," CJR, January/February), which emphasizes the *Metro*'s influence on *Paris Hebdo*, turns out to be a sloppy rewrite of some very sloppy reporting.

Allow me to set the record straight on a couple points:

- *Paris Hebdo*, as anyone can see by simply thumbing through the dummy issue which you had, is basically modeled after *New York* magazine, not *The Paris Metro*.
- While four of us were hired from the *Metro*, we were hardly "most of *Metro*'s former staff," a group of twenty people.
- Naturally I like to think the *Metro* had its influence on the French press, not to mention *Paris Hebdo*, but it's a bit insulting and entirely naive to suggest that it was the only influence when there are thirty other journalists working on the magazine who come from such original French publications as *Liberation*, *Actual*, and the *Canard Enchaîné*.

THOMAS J. MOORE  
Assistant managing editor  
*Paris Hebdo*

## McGoff: a gaffe?

### TO THE REVIEW:

In her otherwise fine article on publisher John P. McGoff ("The McGoff Grab," CJR, November/December), Karen Rothmyer states: "The question of where McGoff might have gotten the backing

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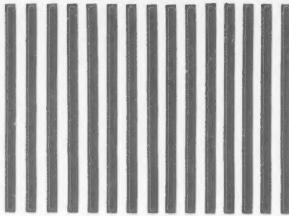
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needed to buy the [Washington] *Star* . . . was not raised in the U.S. press." This is not true. As Rothmyer knew or should have known, since in more than one conversation last year she expressed a familiarity with my work on McGoff, I raised this question nearly five years ago in a profile of McGoff for the *Detroit Free Press*. I raised it again in the fall 1976 issue of *feed/back*, the Northern California journalism review. And, more recently, in a lengthy article on McGoff which appeared on the front page of the *Los Angeles Times* in February 1977. In addition, during the past year the *Times* has devoted all the time and resources I and a second *Times* reporter sought to travel and report on McGoff's dealings, the South African propaganda fund, and McGoff's ties to South African officials.

DAVID JOHNSTON  
Staff writer  
*Los Angeles Times*

Karen Rothmyer replies: *David Johnston is correct in saying that he discussed the possible source of John McGoff's backing in his effort to buy The Washington Star, a fact for which I apologize. But Johnston's suspicions, as voiced in a profile of McGoff which appeared in the Detroit Free Press in July 1975, focused not on South Africa but on the Dow family. The gist of the article was that McGoff was a clever, conservative businessman.*

*In 1977 Johnston wrote a very fine story for the Los Angeles Times, detailing the close friendship between McGoff and various South African officials. He was not, however, the first to note these ties: at least two major South African newspapers and Africa News, a U.S. news service, had already done so. Without minimizing Johnston's contribution, I believe that he built on the work of others, as I did.*

#### **The Kinsolving biobox flap**

In his *Washington Weekly* of December 18, 1979, editor and publisher Lester Kinsolving attacked the *Review* for having concealed the "full identity" of the author of "The McGoff Grab" (CJR, November/December 1979). Our biobox read: "Karen Rothmyer, a former Wall Street Journal reporter, is currently a freelance writer in New York. The research on which this article was based was funded by the Center for Investigative Reporting."

Kinsolving's article sought to make much of the fact that Rothmyer had been employed by the American Committee on Africa, which opposes apartheid. The editors were aware of this affiliation, but believed that it was irrelevant, inasmuch as "The McGoff Grab" had nothing to do with apartheid and did not once mention the subject. In any event, the editors have full confidence in Rothmyer's proven objectivity as a reporter.

Kinsolving also raised questions regarding the funding of a survey of a wide range of secretly financed South African government activities, written by Rothmyer, a reading of which led the *Review* to commission her McGoff article. The *Review* had no part in the funding of this general survey.

#### **Rebutting Rusher**

##### **TO THE REVIEW:**

William A. Rusher's "The Press Rampant" (CJR, November/December 1979) raises some valid concerns regarding the wisdom of journalists arguing for special legal benefits. In his attempt to raise an important point, however, Rusher was apparently not bothered by such niceties as historical fact or legal precision.

For example, Rusher does away with some 110 years of journalistic and legal history by asserting that the legal question of newsman's privilege didn't arise until the 1950s, and that Marie Torre in 1957 was the first journalist to disobey a court order to testify. In fact, the first reported American newsman's privilege case took place in 1848, and there were dozens of journalists jailed before the Torre case for refusing judicial orders to testify. Torre was the first reporter to raise the First Amendment defense as a basis for protecting confidential sources. But she had long since been preceded by reporters who argued (unsuccessfully, in virtually every case) for a common law evidentiary privilege and who usually went to jail for varying periods when that argument was rejected by the courts.

Rusher's errors regarding the 1972 *Branzburg* decision are more serious. He seemingly ascribes to Justice Powell's concurring opinion the formula actually put forth in a dissent by Justice Stewart: that the First Amendment should protect journalists' confidentiality unless there is reasonable cause to believe that a journalist has evidence clearly relevant to the case at hand, and there is a "compelling and overriding" interest in forcing the disclosure. (Powell, in his concur-

rence, said that if future journalists were needlessly harassed by requests for confidential information not legitimately related to law enforcement needs, the courts should provide adequate protection for confidential material.) Rusher also manages to ignore completely the fact that the Stewart dissent has been utilized in many subsequent lower court decisions. These decisions have allowed First Amendment protection for journalists' confidential material, often citing *Branzburg* directly as the controlling precedent.

DAVID GORDON  
Associate professor  
The Medill School of Journalism  
Northwestern University  
Evanston, Ill.

William A. Rusher replies: *As a nitpicker Professor Gordon is second to none, but I cannot see that his footnotes refute, in any important respect, any of the points made in my article. It is true (and unsurprising) that in the course of a century and a half journalists here and there occasionally went to jail to protect a source; but what is significant, surely, given the current enormous stress on the First Amendment, is that not until 1958 did it occur to one of these bravos to plead it.*

*About *Branzburg*, Professor Gordon is simply wrong. Dissents in Supreme Court cases are not and cannot be relied on subsequently as authority for anything whatever. It was Justice Powell's opinion, concurring with that of four of his colleagues, that contributed the fifth vote to that coalition and made it the decision of the Court to uphold *Branzburg*'s conviction for contempt. The Powell opinion states that "the asserted claim to privilege should be judged on its facts" on a case-by-case basis "by the striking of a proper balance between freedom of the press and the obligation of all citizens to give relevant testimony with respect to criminal conduct." Lower courts, in striking that balance, are of course free to employ *inter alia* the tests suggested by Justice Stewart.*

#### **Deadline**

*The editors welcome and encourage letters from readers. To be considered for publication in the July/August issue, letters to the *Review* should be received by May 20. Letters are subject to editing for clarity and space.*

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# REPORTS

"The Press and NEPA: The Case of the Missing Agenda," by A. Clay Schoenfeld, *Journalism Quarterly*, Autumn 1979

Just how wise is the conventional wisdom on the press's role as agenda-setter for the nation? Judging by this revealing chronicle by the chairman of the Center for Environmental Communications and Education Studies at the University of Wisconsin, the press's participation in constructing social reality may be somewhat less crucial than it likes to think.

The case in point is the National Environmental Policy Act of 1969. Various described by legislators and environmentalists as "unprecedented," "most significant," and "most comprehensive," the act's historical significance is beyond dispute: the requirement for the environmental impact statement—which, Schoenfeld points out, gives to the media a steady supply of leads for environmental reporting—is but one of its effects. But while this pivotal piece of legislation was being written, says Schoenfeld, the press was looking the other way. *The New York Times*, for instance, carried in the whole of 1968 just one article on what was eventually to become the NEPA; in 1968 and 1969, not one of its thirty-five editorials on the subject of the environment was aimed at mobilizing public action on the bill; nor did any of its twenty-seven references to Senator Henry Jackson take any note of the revolutionary bill he had introduced. The Washington dailies were not much better, judges Schoenfeld, and more surprising still, in such specialized magazines as *Environment*, *Science*, and the *Sierra Club Bulletin*, news and comment about the pending act were conspicuously absent. As for the general circulation magazines, Schoenfeld's content analysis indicates that only *Time*, in its new "Environment" section of August 1, 1969, had the foresight to consider the power implicit in the Jackson bill and to explain what might happen if it were to become a law of the land.

Speculating on the puzzle of the press's performance, Schoenfeld generously tenders the excuse of an already overcrowded agenda coupled with the fact that the bill's comprehensiveness meant that it didn't fall into any particu-

lar, obvious beat. Whatever the reasons, he concludes, when the press and public finally woke up to the media event that was Earth Day 1970, the crucial legislation was already in place.

The moral of Schoenfeld's story is that at least some of the time Congress is quite capable of doing its job quietly, effectively, and without any help from the press. And that contrary to popular belief, when it comes to the movement of information, the media even may be the last to know.

"Broadcast News Doctors: the Patient is Buying the Cure," by the Graduate Students in Broadcast Journalism, *The American University*, December 1979

It was only three short years ago that Walter Cronkite, in a speech to the Radio and Television News Directors Association, was admonishing his colleagues against the sinfulness of not doing "what you, as experienced news directors, would like to be doing rather than what consultants or non-news oriented station managers believe you should be doing." Today, the news consultant is as much of a fixture on the local news scene as cheerful chitchat among the anchors. This sobering study attempts to measure the extent of their involvement, the nature of their influence, and the attitudes of the newsmen with whom they work.

The first part of the report focuses on television. Among the findings (based on 106 responses to questionnaires sent to 300 news directors in the top 100 markets): A total of fifty-three stations use the full range of news consultant services. In the majority of cases, their hiring was prompted by low ratings or competitive pressures; only one station in five was motivated by a desire to improve its news effort. Most of the news directors say the consultants do not intrude editorially and that their recommendations rarely are implemented without the news director's final approval. And although half of them cite an increase in ratings after the news consultant's arrival, only 15 percent concede a causal connection.

One particularly fascinating aspect of the study involves a detailed analysis of the emphasis placed on specific recommendations made by Frank Magid Asso-

cates as compared to those made by McHugh & Hoffman and others in the field. On everybody's list is more on-air interaction, more reporter involvement, more consumer reports, more film and tape reports, more talent supers, and the use of simpler language. A less obvious finding, perhaps, is that while the news directors appear overwhelmingly to accept the relationship and even evaluate it in a positive way, the attitudes of their staffers are less enthusiastic.

The second section of the study concentrates on radio, where consultants have found a second home and where the ratings game is being played to the tune of "hit news" lists. For some reason (different authors, perhaps?), the conclusions drawn here are much less sanguine: "What the radio industry must guard against, it seems to us, is the influx of 'experts' who confuse ratings-oriented entertainment with journalism that provides listeners with what they both want and need to hear." An idealistic notion that would not be entirely out of place in the first half of the report as well.

"Knowledge, How it Gets Around, What Happens to it in the Process," edited by Andrée Conrad, **Book Forum**, Vol. 5, No. 1, 1979

If the past may be labeled an Age of Bronze or Iron, then the present is certainly the era of Advanced Concrete, writes the editor of this ambitious special issue on the proliferation and dissemination of empirical knowledge in modern America. Focused on a wide range of issues involving scholarly communication, the collection of essays contains two that hold particular journalistic interest.

In "Science on Television: No Bang for the Buck," Kenneth K. Goldstein, a professor of journalism at Columbia, assesses the current state of the art of science reporting on television. From the bland expensive splashes on public TV to the titillating segments on breast enlargement on the six o'clock news, from the pseudo-scientific search for ancient mysteries to the latest trend to the classy series, says Goldstein, the trouble with most science programs is in their reach for amazement, their confusion with entertainment, and their oversupply of video razzmatazz. The "real foot soldiers in the war against ignorance," in Goldstein's view, are the television journalists who cover science and health on a daily basis. Working on short rations of time and money, using toy-shop kits and their own bodies to make it all understandable, it is they, the author believes, who are de-

livering the most—and the best—of the hard science news that the public gets.

In "Tabloid Journalism: Good News for the Masses," *The Star* correspondent Leslie Savan traces the course of complex knowledge as it wends its way from the academic community to the man in the street. The most critical stop, she explains, is at the university's public relations department, for out of the vast number of scholarly projects only a handful will be chosen for press attention, and whether or not they enter the media depends on how well the PR people popularize the information. Inevitably, in the translation, some facts get lost—but, says Savan, the academics themselves are usually too flattered to complain, and, despite the simplification, in the long run the knowledge itself remains reasonably intact. A far more subtle and dangerous implication, in the author's view, is in the kind and form of the knowledge that tends to get picked up and popularized—the good-news, how-to, pop-psychology stuff that carries the promise that the experts have the answers, and that science once again has solved the problems of the self as well as those of the world.

**TV Guide Almanac**, by Craig T. and Peter G. Norback and the editors of TV Guide magazine, Ballantine Books, \$19.95

Where do you send an idea for a sitcom? How do you get to own a broadcast station? Who won the Clio for the best laundry-soap commercial in 1959? What is Intelsat? How did we ever get along until now without this amazing one-volume storehouse of television information?

Ranging from the top one hundred advertisers (A) to the differences in home videocassette recorders (V), the 680-page compendium is jammed with such stuff as the answers to the questions most frequently asked of the FCC, a description of the ratings system, a reprint of the NAB code, lists of talent agents, syndicated columnists, and communications lawyers, and the top fifty television programs Of All Time. For many students and teachers, librarians and historians, reporters and fact-checkers, the source book will be a bona fide boon. While blessing its time- and headache-saving authority, however, they should not forget that entries characteristically represent the industry position and, indeed, appear to be the work of the particular organization cited. The jacket blurb calls the book "official." It is not an exaggerated claim. G.C.



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# NATIONAL NEWS COUNCIL REPORT

## Council study on Synanon 'Retraction Project'

The Council, at the University of Miami in Coral Gables, Florida, considered a complaint brought before it by United Press International against the Synanon Foundation, Inc.

In a letter dated November 21, UPI charged that the foundation had made systematic efforts "to threaten UPI's reputation and relationships with subscribers and, generally, object to any news coverage which reflects unfavorably upon Synanon." UPI further charged that Synanon's lawyers have been "flooding the nation's news media with letters threatening libel suits as a part of the systematic pattern of intimidation designed to suppress all stories they considered unfavorable."

Even reports on the Pulitzer Prize awarded the *Point Reyes* (California) *Light* for its Synanon exposé drew form letters demanding retraction on threat of suit, the news agency said.

Following a discussion at its November meeting, the Council instructed its staff to conduct a thorough examination of the issues posed and report back to the Council at the earliest practicable time.

**Staff Investigation:** Following the Council's instructions, the staff, under the direction of William B. Arthur, executive

*The reports of the National News Council are prepared by the Council and appear in the Review as pertinent information and as a convenient reference source. Publication, which is made possible by the William and Mary Greve Foundation, does not imply approval or disapproval of the findings by the foundation or by the Review.*

*The Council's conclusions were reached at its meeting last March 6 and 7 in New York City.*

director, undertook a thorough investigation.

In a meeting on January 21 in Synanon's offices at Tomales Bay, California, Dan L. Garrett, Jr., the foundation's general counsel, gave Mr. Arthur a report on what the foundation called the "Retraction Project."

The report reveals that the writing of letters by Synanon seeking "correction" and "retraction" of news reports concerning the organization is not limited to UPI and its clients. Hundreds of such letters have been sent to print and broadcast organizations, such as The Associated Press, the television networks, *The Wall Street Journal*, *The New York Times*, *San Francisco Chronicle*, *The Milwaukee Journal*, and to many smaller newspapers, including *The Billings (Montana) Gazette* and the *Times-Herald Record*, Middletown, New York, and to *Time* magazine and *Editor & Publisher*.

The Synanon report says that 960 such letters were sent out during 1978 and 1979. Of these, 816 were sent to newspapers and 144 to the television networks—ABC, CBS, and NBC—to their affiliate stations, and to independents. The "Retraction Project" continues into 1980.

Synanon reported that the organization contracted with a nationwide service to provide clips of articles published relating to Synanon. According to Mr. Garrett's aides, 11,136 such clips were provided during 1978 and 1979. Elizabeth Missakian, an administrator in Synanon's law offices who prepared the report, stated that "There are many more [articles] which may not have been picked up and sent to us."

The Synanon letters, Mr. Garrett said, are sent in accordance with Section 48a (demand and publication or broadcast of correction) of the California Civil Code. Paragraph one of the section reads:

In any action for damages for the publication of a libel in a newspaper, or of a slander by radio broadcast, plaintiff shall recover no more than special damages unless a correction be demanded and be not published or broadcast, as hereinafter provided. Plaintiff shall serve upon the publisher, at the place of publication or broadcaster at the place of broadcast, a written notice specifying the statements claimed to be libelous and demanding that the same be corrected. Said no-

tic and demand must be served within 20 days after knowledge of the publication or broadcast of statements claimed to be libelous.

"This requires us," Mr. Garrett said, "if we are going to maintain a proper legal position and preserve our rights, to file a demand for correction whenever we see material printed which is not the truth. And that's all we are concerned about. We are not concerned about criticism or opinion, or that sort of thing, or unfavorable articles. This is something that has been repeated mindlessly in the media that is simply not true. You can look at the numbers of the articles and the number of retractions we have sent out and that will answer that problem for you."

Mr. Garrett continued:

In addition to that law, which affects what we do and why we do it, there is a strategy which we have to be prepared to handle in the litigation that we do have in which it has been indicated to some considerable degree to be the strategy that will be used against us, which is as follows. As you know, we have sued ABC and Time, Inc., and NBC too, although we have not served them.

**'Synanon has sent hundreds of letters demanding retraction'**

So far, it appears to us that one of the defense tactics will be, when we get to the point of trying these cases, to inundate us with stories which are the same, or substantially the same, as these defendants have published. Then they will ask us if we have made any complaint, or demanded any retraction, under Section 48a of the California Code of Civil Procedure. If we have not, then, of course, we are open up to the argument that there were hundreds of stories similar to the ones that we are suing these people about which were printed or aired that we took no exception to, that we filed no retraction demands as the law requires, and so on, thus creating the kind of an argument that this is sort of, or akin to, an admission against injury. So, if we are going to protect ourselves against that sort of argument—and that can be devastating in a libel case—then every time that we see somebody file a story that is not true we must be able to produce for a jury a letter which says that's not true and puts

you on notice that these are the true facts and demands that you correct them. So at least, we have a denial of that.

Mr. Garrett said the "Retraction Project" has cost Synanon "an awful lot of manpower to protect ourselves against this flood of ghastly, hot, unfavorable, defamatory publicity because once something is said it just spreads like wildfire and it's repeated with variations all through the media. We have had to maintain a staff that reads the clipping service and devotes itself to sending these people what we think is a polite letter pointing out to them why this story is wrong, where it is wrong, and what the true facts are."

"We are stretched to the point where we're sort of a thin broken line. We really can't cover the bases with all of the inundation of litigation that has hit us since the media started making us their favorite subject."

"If I could discontinue the necessity of sending out these notices of retraction without severely damaging the merits of the cases we do have to prosecute, I would do so because we just don't have the personnel to spare on something that is not of vital importance in the litigation that we have gotten going."

Synanon's legal department consists of from sixty to sixty-five people, Mr. Garrett said, and operates seven days a week. There are seven lawyers, with the remainder paralegals (trained within Synanon), clerks and typists. Most of the letters sent to the media are signed by Philip C. Bourdette, secretary of the Synanon Foundation, and Andrew J. Weill, both lawyers.

"Most of the people," said Mr. Garrett, "are on what we call the 'cubic day,' which means that they work half the time—and these are long days—and then they're off half the time. So, at any one time about 60 percent of that [number of people] would be working."

Mr. Garrett said that Synanon's lawyers personally participate in all cases involving the organization in court appearances in Los Angeles "where we [now] have eight matters pending, plus the major criminal charges against [Synanon founder] Chuck Dederich."

The litigation involving Time, Inc., which Mr. Garrett referred to earlier, was entered into on January 11, 1978, in the Superior Court of California, Alameda County. The suit asked \$76,750,000 in damages in connection with a report on Synanon and its founder in the December 26, 1977, issue of *Time* magazine. The suit was dismissed on February

1, 1980, at Synanon's request. A letter signed by Mr. Garrett explained that Synanon was so involved in legal actions that its law staff and finances were overstrained. Taking note of a declaration last September by *Time*'s lawyers that the magazine had spent \$1.25 million up to that time in defending itself, Mr. Garrett said this sum was "far greater than the funds available to the Synanon Foundation to handle all its varied legal problems."

But a representative of the New York law firm Cravath, Swaine & Moore, attorneys for *Time*, expressed a different view: "We were getting close to material that could have been damaging to them in their criminal trial," he said, referring to the impending criminal trial of two Synanon members and of Mr. Dederich in connection with the rattlesnake attack on Los Angeles attorney Paul Morantz on October 13, 1978. He said *Time* had obtained a court order requiring Synanon to turn over specific tapes, files, and records relating to use of "terroristic violence." *Time* wanted this material to strengthen its plea to the court for dismissal of the libel action. The lawyer added that the California attorney general's office had already served subpoenas on *Time* requiring that, whenever the desired material was received, copies be made available to the attorney general for use in various investigations relating to Synanon.

The 1977 *Time* article, headlined **LIFE AT SYNAON IS SWINGING: A ONCE RESPECTED PROGRAM TURNS INTO A KOOKY CULT**, focused on alleged experiments in new lifestyles fostered by Mr. Dederich and other Synanon leaders, with emphasis on wife-swapping and vasectomies. It

### 'The media have made us their favorite subject'

Dan Garrett, general counsel, Synanon

said "the people at Synanon are treated much as if they were interchangeable auto parts."

On October 16, 1979, Superior Court Judge Robert H. Kroninger dismissed forty-one of forty-four allegations made by Synanon in support of its libel suit. He said: "No reasonable person could, in or out of context, construe them as defamatory." The counts kept alive by the judge, until Synanon made its own move for dismissal, related to two statements in the article and to one "asserted innuendo." One statement charged that all male Sy-

nanon members were pressured to have vasectomies and the other that most Synanon members paid \$400 a month for room and board. The asserted innuendo of which Synanon complained was to the effect that the organization had abandoned its charitable purposes.

In the course of the litigation, *Time* introduced evidence from Synanon files which the magazine's lawyers contended substantiated all the statements in the article. In addition, counsel for *Time* presented evidence—some of it in the form of memoranda and transcripts from tapes by officials and members of Synanon—intended to support the magazine's claim that the entire litigation was part of a plot to harass the media into silence about abuses within Synanon. One memorandum *Time* filed in court represented an alleged summons by Synanon of its members to a "holy war" against *Time*, its editors, and top officials. This "holy war," according to *Time*, was to be waged by a separate Synanon organization operating under the name of S.C.R.A.M. (Synanon Committee for a Responsible American Media). S.C.R.A.M., which for a time issued *The S.C.R.A.M. Bulletin*, was described by Synanon in 1978 as having as its stated objective "The elimination of irresponsible and malicious news reporting and investigation of corruption and bureaucratic waste." It was further described as being made up "of citizens and religious, labor, business and political groups who are fed up with the highhanded way certain members of the media feel free to distort the truth for their own ends."

During the litigation, lawyers for *Time* submitted memoranda, transcripts, and affidavits in support of the following charges:

A declaration by Mr. Dederich in a television news interview, just after the publication of the *Time* article, that Synanon's friends might on their own initiative take punitive action against "the persons or the people responsible, their wives, their children. . . . Bombs could be thrown into odd places, into the homes of some of the clowns who occupy high places in the *Time* organization. . . ."

At a news conference on January 25, 1978, representatives of Synanon announced that they had 235 guns and ammunition worth about \$63,000 as part of their preparation for a private security force. The move was linked to the *Time* article.

Shortly after this announcement hundreds of abusive letters cascaded in on officers and employees of *Time*. In

many cases, these letters threatened to "destroy" and "kill" *Time* or to "rid the world of" the editors or reporters to whom they were addressed.

□ On September 14, 1978, four Synanon members pleaded no contest to criminal charges arising out of the beating in April of Thomas J. Cardineau, a former resident, who told police his assailants had accused him of being a "spy" for *Time*. In actuality, he explained, he had been on his honeymoon showing his new wife his former residence at Synanon.

□ Specific acts of intimidation were directed at Andrew Heiskell, *Time's* chairman, and Hedley Donovan, then editor-in-chief. Two representatives of Synanon accosted Mr. Donovan as he was leaving his home and warned: "We are going to ruin your life." On October 18, 1978, the eve of Mr. Donovan's return from an overseas trip, U.S. Customs officials received a half-dozen calls from persons alleging that the *Time* editor would be attempting to enter the country smuggling drugs and jewelry. The information about the countries Mr. Donovan had visited and the flight on which he would be arriving was so specific that customs officials subjected his luggage to an extensive search and, Mr. Donovan said, it took considerable effort to dissuade them from a body search. After he convinced the agents that Synanon was behind the tip, the agents apologized and accompanied Mr. Donovan outside, where two Synanon representatives were waiting to "interview him."

When the suit against *Time* was dropped, the magazine said:

This concludes two years of legal action during which Synanon tried to intimidate *Time*, Inc., from exercising its constitutional right to report the news. That harassment only determined us to fight harder. Had Synanon succeeded, others might well have been encouraged to undertake similar suits in attempts to chill the actions of the press.

On February 18, 1980, *Time* filed a motion seeking \$1.9 million from Synanon to cover all of its costs in the litigation. A *Time* lawyer told the Council that this "could be a healthy deterrent to future suits of this kind."

During the interview with Mr. Arthur, Mr. Garrett said that his legal staff also "is involved in handling the litigation in the Federal Court in Fresno," referring to a federal civil rights action brought by Synanon against the *Visalia Times-Delta*, members of the Tulare County Board of Supervisors, and certain other Tulare County officials who "conspired to close

down our airport [in Tulare County].

"We also are personally involved in the court appearances in the current litigation with the attorney general of the state," Mr. Garrett added. "That's the action that he brought claiming that we have misappropriated charitable funds, which is totally without merit, but the political climate being what it is, it's something that we have to appear in court to contest."

"We also make appearances in Washington, D. C., where we have a major lawsuit pending [involving a property case]. In addition to that, the lawyers and the legal department are personally involved in all of the on-going governmental investigations. You may be aware that when the media creates such intense controversy, the various bureaucratic

**'Synanon's harassment  
only determined us  
to fight harder'**

*Time* magazine

agencies of the federal, state, and local governments—I guess because they want to look as good as they can—they start to move. So since this onslaught, we have been investigated, I guess, by every federal, state, and local agency that has investigative powers."

A News Council check revealed that Synanon has been involved in approximately 144 lawsuits in the 1970s and continuing into 1980, as the plaintiff 55 times and as the defendant 89 times. Many of these actions involved, and involve, personal injury/motor vehicle cases, child custody, and property damage, generating little, if any, press coverage. But the rattlesnake attack on Mr. Morantz received immediate nationwide page one and television network coverage. Mr. Morantz, who had been involved in a successful \$300,000 default legal action against Synanon, survived the attack.

Two days later, two Synanon members were arrested on suspicion of attempted murder and, on December 2, Mr. Dederich was arrested on a warrant charging conspiracy and solicitation to commit murder in connection with the attack. Following the filing of formal charges, trial of all three was set for early April.

Synanon's report indicates that the "Retraction Project," as applied to newspapers, got underway during the same month that the Morantz attack occurred—October 1978. From January 1 through September of that year, 1,063

clippings were received by Synanon's legal department, but no retraction letters to newspapers were sent out during that period. In October, 701 clippings were received and eight retraction-demand letters were dispatched. In November and December, 3,511 clippings were received and 82 letters were sent. In January 1979, 1,691 clippings were received and 54 letters were sent.

Broadcasters received nineteen retraction demands from January 1, 1978, through July. None were sent during August and September, but seventy-seven were sent from October 1, 1978, through January 1979.

Typical of the letters sent by Synanon to the news media following publication of reports about the Morantz episode was one dated December 12, 1978, and addressed to Otis Chandler, publisher of the *Los Angeles Times*. The letter, signed by Mr. Bourdette, began:

Synanon Foundation, Inc., its officers, directors and residents, and all members of the Synanon religion, demand that you correct and retract that certain article published on November 22, 1978 in the *Los Angeles Times* concerning Synanon Foundation, Inc. The story is false, malicious and defamatory in its entirety, and it is clear that you, your reporters, writers and others in your organization responsible for its preparation, editing, re-

**THE NATIONAL NEWS COUNCIL**  
1 Lincoln Plaza, New York, N.Y. 10023

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search and publication, published it with the knowledge that it was false, or with reckless disregard for whether it was false or not . . .

The letter proceeded to charge the *Times* with intentions to create "a false impression and understanding in the minds of those who read the article that Synanon has abandoned its original charitable tax-exempt purposes, that it no longer takes care of juvenile delinquents, alcoholics or other character-disordered persons, that Synanon is an insane, violent terrorist organization that kills persons, including its critics, that Synanon attempted to murder, by rattlesnake, Paul Morantz, that Synanon brainwashes and tortures people, that Synanon performs other immoral acts, and that this story is based on reliable sources."

The *Times* story, headlined AUTHORITIES RAID SYANON RANCH, SEIZE RECORDINGS, reported that investigators, armed with search warrants, had "swooped down on a Synanon ranch in a remote section of Tulare County" and had seized a "sizable number" of tape recordings there. The story went on:

The search warrants authorized seizure of all tapes making reference to Los Angeles attorney Paul Morantz, who was bitten by a rattlesnake allegedly placed in his mailbox by two Synanon members.

"It was all very peaceful. There was no crazy Jim Jones stuff. It will be a couple of days before we know what we got up there," Los Angeles County Dep. Atty. Mike Carroll said.

"Exhibit A" accompanying the Synanon letter included Synanon's interpretation of what the above two paragraphs meant to readers. Regarding the first paragraph, Synanon said:

(Meaning to readers that law enforcement authorities made a surprise raid on Synanon and that imminent physical danger to them from Synanon required that they "swoop" down on a small community.)

Regarding the second paragraph, Synanon stated:

(Meaning to readers that tape recordings were obtained which substantiate that Synanon attempted to murder Paul Morantz with a rattlesnake.)

The Bourdette letter contains paragraphs which are identical to those frequently used in other retraction letters sent to the news media. For example:

The truth is that Synanon is a law-abiding, charitable tax-exempt organization which has helped thousands of drug addicts, alcoholics, juvenile delinquents and character-

disordered persons who have come to it for help, and that it continues to take care of such persons. Synanon does not direct, encourage or condone illegal activities of any sort. The truth is that Synanon at present cooperates and always has cooperated with law enforcement officials at ever [sic] level of government.

Another commonly used paragraph reads:

The truth is that Synanon is a new and precious religious movement in the United States. The truth is that the philosophical and religious ideals and practices of Synanon are indigenous to the western Judeo-Christian and American traditions, and have evolved from the deepest humanistic strain of those traditions. The truth is that Synanon's models for human and moral behavior come typically from Ralph Waldo Emerson, Martin Luther King and Jesus Christ. The truth is that Synanon bears no resemblance in thought or deed to the language of witchcraft and demonology falsely and maliciously employed by the irresponsible media.

The *Los Angeles Times* has received approximately fifteen retraction-demand letters from Synanon through January 28, 1980. According to Harold W. Fuson, Jr., the newspaper's staff counsel, the paper has made no retractions or corrections. "In each instance the situation was investigated with considerable care. Some of the stories were wire service sto-

**'It is within  
legal propriety for Synanon  
to take legal steps'**

William German,  
Managing Editor, *San Francisco Chronicle*

ries and we forwarded the complaints to them. In no instance were we advised by them to retract or correct." The paper does, however, scrutinize its reports on Synanon, coverage which, along with the *San Francisco Chronicle*, is the most thorough of any daily newspaper published in the nation.

William F. Thomas, the *Times*'s editor, calls the letter-writing campaign "harassment," but points out that the paper has been harassed before. He mentioned the Church of Scientology in this connection and said he can see where such letters could constitute much more harassment for editors and publishers of small newspapers that cannot afford the expenses involved in maintaining legal staffs or even legal counsel. William German, managing editor of the *Chronicle*, which has received twenty-three demand letters through February 7, 1980, and has replied to none, told the Council that "It certainly is within legal propriety for

them to take legal steps. We've had ephemeral things before, the letter-writing campaigns, the phone-call campaigns, picketing. But this goes on and on, with all these high legal costs getting higher and all the time spent checking. Sometimes you get to the point where you overreact. You think it's not bothering you, but it is. We're not intimidated. Ralph [Ralph Craib, a veteran *Chronicle* reporter] has stayed on top of this. But this thing is something that you can't wrap up and put aside. It festers."

The "Retraction Project" follows a pattern. A news organization that originates a story may expect to receive, within twenty days, a long-form letter demanding retraction. The long-form letter goes into detail, specifying what Synanon objects to, with an "Exhibit A" enclosed giving Synanon's interpretation of what the specified areas mean to readers.

Wire service stories generate a somewhat different procedure. If AP and UPI originate a story, or if they rewrite a story supplied by a client newspaper, they get the long-form letter. Newspapers who pick up the wire service story and publish it may get short-form letters, or nothing at all, depending on whether Synanon got a clipping and which papers are chosen to get a letter. The short-form letter advises the editor or publisher that a letter of protest has been sent to the wire service, and encloses a copy.

The short-form letter also includes a reference to the headline used by the paper on the objected-to story, the date of publication, and the date the clipping was received by Synanon. "Further," the letter states, "your printing of the aforesaid article constitutes republication." And then a retraction is demanded under Section 48a.

A long-form letter went to UPI's president, Roderick W. Beaton, dated March 18, 1979, protesting a story on a closed child-custody hearing in San Rafael, California, and twenty-six UPI clients received the short-form letter. Seventeen of the letters went to UPI clients in California, and nine went to clients in nine other states.

To UPI's knowledge, only one subscriber published a retraction, the *Evening Outlook* of Santa Monica on April 5. The paper, which has received six retraction letters in all, stated in its retraction that it "regrets publishing the unsubstantiated allegations of child abuse that appeared in the story."

One paragraph of the UPI story was used as a reference, without attribution to UPI, in a guest column distributed by the Capitol News Service of Sacramento

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America's freight railroads carried more than 3,000,000 piggyback truckloads last year—and never left a pothole.

to its client newspapers. The CNS, which services state capital news to about 300 small—mostly weekly—papers in California, issued a retraction after two clients insisted that it be done on the ground that they couldn't afford a lawsuit. Fred Kline, editor and owner of CNS, told the Council that he estimates that "about 25 percent of my clients simply won't publish any stories about Synanon now. They can't afford lawsuits. Their liability insurance for the most part calls for them to pay the first \$7,500, and that's a lot of money for a small paper."

UPI's legal counsel had found the report on the child-custody hearing legally unobjectionable.

By far the largest number of letters sent by Synanon during a single month were the 223 dispatched to news organizations in May 1979. That was the month that followed the award of a Pulitzer Prize on April 16 to the *Point Reyes Light*, a California weekly (circulation: 2,700) for its coverage of Synanon.

Among this barrage of letters sent out as a result of the award to the *Light* were long-form letters to both UPI and AP. Identical charges were made by Synanon that "The story contains allegations that Synanon is responsible for beatings, hoarding of weapons, and revenge attacks."

The statement used in both the UPI and AP stories regarding allegations was taken from a Columbia University press release accompanying the announcement of the Pulitzer awards.

Most of the letters sent to subscribers who picked up the wire stories were in the short form. One such letter, about the UPI story, was sent to Frank Daniels, Jr., president and publisher of *The Raleigh (North Carolina) Times*. He referred it to legal counsel who advised that no reply to the Synanon letter be made unless attorneys for UPI in New York should so recommend.

Mr. Daniels wrote to UPI, enclosing the correspondence. H. L. Stevenson, UPI's editor-in-chief, responded: "We have chosen not to reply to the original demand Synanon made to Beaton [UPI's president]. I see no reason that you should reply to their letter to you."

No one knows how many such exchanges took place between client newspapers and the wire services, especially since many inquiries were handled by telephone. J. Hart Clinton, editor and publisher of the *San Mateo Times and News Leader* in California, which published a retraction, told the Council that

"When this story came in—the UPI story—it had this unattributed statement with reference to the *Point Reyes Light*. I called UPI and got little satisfaction, so I ran the retraction [on June 7]. There was another case and I ran the retraction. I have instructed my newsroom not to publish any more material on Synanon unless it is extremely important and we know it to be accurate. I don't want to be harassed. Running a retraction hasn't hurt our credibility."

"It's my opinion," continued Mr. Clinton, "that Synanon apparently was encouraged by the results of the Hearst

**'A barrage of letters followed reports on the *Light's* Pulitzer Prize'**

case—in which they won a big settlement—to seek retractions as a matter of policy when the story is in the slightest bit defamatory, whether it's true or false. That's harassment. I am a lawyer. I make the decision at the threshold to run a retraction or correction if it is a routine matter. If it is a big matter, I refer it to the law firm in San Francisco that represents us."

Mr. Clinton said his paper has received no letters from Synanon since adopting that policy. "It has been several months now since we have even mentioned the name Synanon," Virgil Wilson, the San Mateo paper's managing editor, said. "We will run a story when it's very important."

The Hearst reference by Mr. Clinton deals with a 1976 settlement of one Synanon suit and a subsequent settlement in 1978 of a second suit. The first settlement was of a libel suit filed in 1972 following two *San Francisco Examiner* articles about Synanon. In a July 1, 1976, settlement of a \$32 million suit, the *Examiner* agreed to pay Synanon \$600,000, described at that time as the largest amount ever paid to end such an action. Following this settlement, Synanon pressed a second suit, for conspiracy, against the Hearst Corporation, Randolph A. Hearst, William Randolph Hearst, Jr., their lawyers, and others for attempting "to injure plaintiffs financially" while the first suit was being litigated. Mr. Dederich and Synanon charged that the defendants had attempted to dissuade major contributors from assisting the charity, interfered with its ability to earn income, and caused the burglary of Mr. Dederich's

office and the theft of sixty-nine confidential tapes as part of a conspiracy to attack Synanon.

This second suit was settled for \$2 million in 1978. On January 5, 1979, the State Superior Court granted an order, requested by both parties, closing from public examination certain materials developed during the discovery phase of both suits.

According to Ralph Craib of the *Chronicle*, who has covered Synanon regularly, "Once the *Examiner* folded in response to this litigation, most of the press folded. If there had been a little more courage displayed, these people would never have gotten their start. Some pretty ludicrous things happened. If they had all been laid out over the last eighteen months I think there would have been enough heat on the authorities to have stopped it." Several editors and publishers Mr. Arthur spoke with agreed, in part, with Mr. Craib's analysis. "You think a lot about that suit when you receive one of those Section 48a letters," R. D. Funk, editor of the Santa Monica *Evening Outlook*, said.

Because neither suit received extensive publicity, very little in the way of detail found its way into news columns. Apparently there was an agreed press release following settlement of the first suit. *The New York Times* report on the settlement, published July 3, 1976, consisted of eleven paragraphs: Two were references to a front-page apology the *Examiner* published; two were devoted to a statement by a Synanon spokesman that the organization would press the second suit; another dealt with a statement by Mr. Dederich read at a press conference; and yet another concerned the method of payment and a statement by the judge that no pretrial agreement would be possible after July 1, the settlement date.

Regarding the first suit, Reg Murphy, who became the *Examiner's* publisher long after the suits were initiated, said it was a matter of record that the work of the reporter who wrote the two articles, and who has since died, caused his dismissal. He added that the reporter had been sent earlier to the People's Republic of China to do a series of articles for the *Examiner*. It was later learned, said Mr. Murphy, that the reporter never entered China; his experiences within that country were reported solely from Hong Kong.

Closure of the records prevented closer examination of both settlements. However, the fact that the burglary had occurred during litigation of the first suit was published at the time of its settle-

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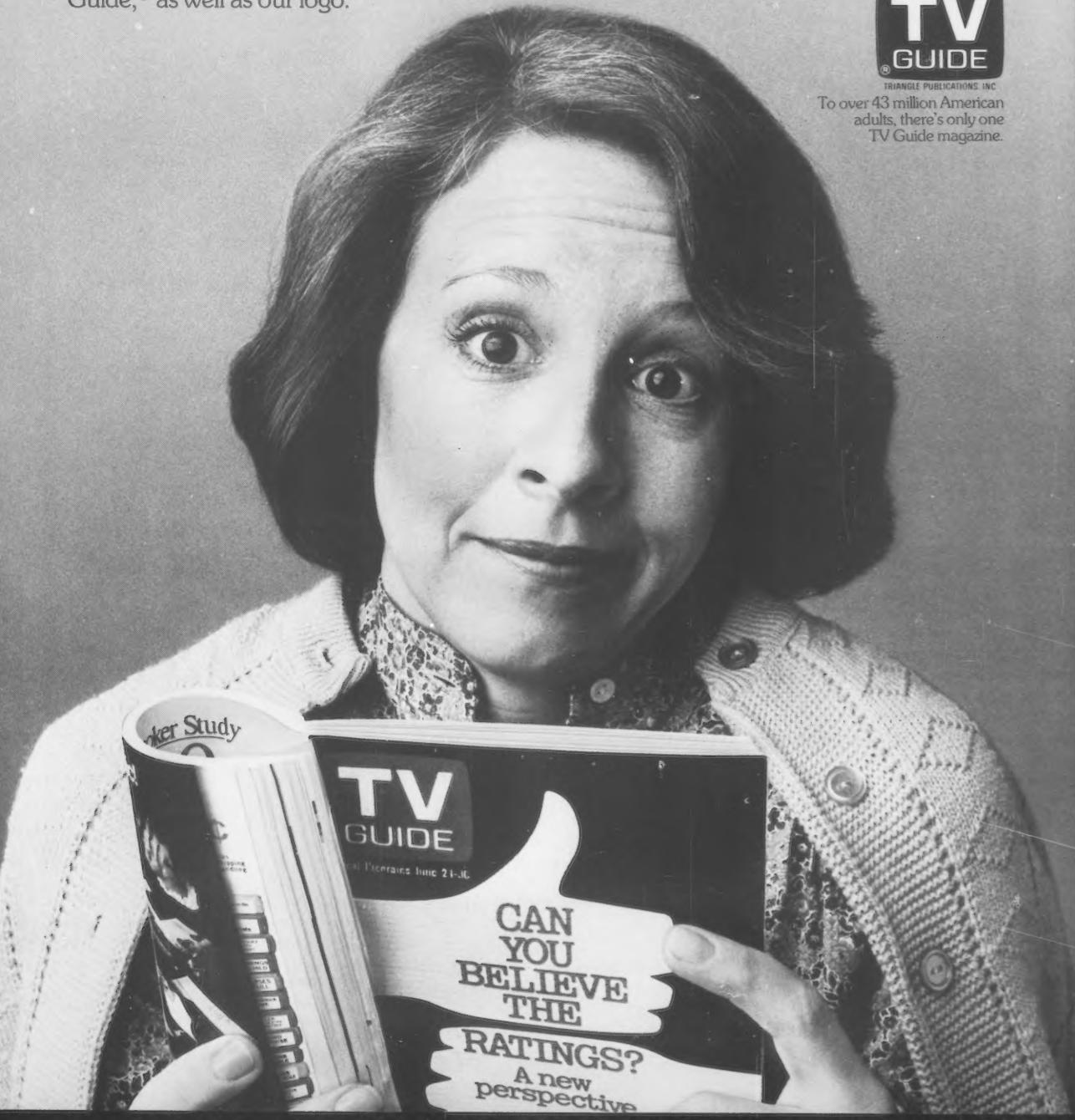
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ment.

Mr. Murphy told Mr. Arthur that those suits "do have a chilling effect" on the press. "The *Examiner* happened to be on the wrong end of things and it couldn't defend itself." Mr. Murphy said that "Synanon is the only organization in the world about which I have had to give standing orders that every story, every headline, has to be checked by legal counsel. This, of course, takes hundreds of hours of lawyer time."

David Mitchell, co-publisher and editor of the *Point Reyes Light*, told Mr. Arthur that "It is amazing how much damage the Hearst settlement has done to the rest of the press." Mr. Mitchell's wife, Catherine, who is co-publisher of the *Light*, said that "Now all the rest of the press is forced to stand fast to prove that what Hearst did that brought about the two suits is not typical of what newspapers will do."

After receiving a retraction demand regarding the AP report on the award of the Pulitzer to the Mitchells, Ted M. Natt, editor and publisher of *The Daily News* of Longview, Washington, wrote Mr. Bourdette as follows:

The volume of boilerplate coming out of your office is most impressive. . . .

California civil code does not apply to newspapers published in the state of Washington.

Furthermore, this newspaper has a very high regard for the accuracy, fairness and competence of The Associated Press. We will not retract the article you refer to unless The Associated Press does so and notifies us that it is taking such a step.

Maybe you will have better luck with your bullying elsewhere.

When *The Atlanta Journal* published a *Los Angeles Times* story, following announcement of the Pulitzer Prize award, on the celebration that took place in the five-room frame building where the *Point Reyes Light* is published, the *Journal* got a retraction letter. Objectionable to Synanon was this quote from David Mitchell of the *Light*:

A number of stories dealt with Synanon's finances. While purporting to be a non-profit, charitable organization, Synanon, we discovered, had made millions for the top officers of the corporation and was doing very little to rehabilitate drug addicts.

Synanon interpreted this to mean that it "had abandoned its original charitable nature and purpose of rehabilitation and that top corporate officers have managed to embezzle millions of dollars for their personal use."

The *Journal's* response, according to James Minter, managing editor, was a

"routine letter denying any legal obligation or responsibility."

In late December 1979, California's attorney general, George Deukmejian, filed a suit in Marin County Superior Court in San Rafael seeking a full accounting of charity funds raised by the Synanon Foundation. The suit alleged that large sums of money had been used for purposes other than rehabilitation, such as a \$600,000 award to Mr. Dederich and high salaries for other officers, including Mr. Dederich's brother, son, and daughter. It also alleged that "substantial funds" had been spent "for the purchase of airplanes, mobile homes, motorcycles, etc., for the personal use of certain officers and directors of Synanon and unrelated to the non-profit corporation's charitable purposes."

Synanon protested stories growing out of the attorney general's lawsuit. A retraction-demand letter to UPI, with short-form letters to various UPI clients, said that the allegations (taken from

**'At the *Examiner*,  
every Synanon story  
is checked by legal counsel'**

Reg Murphy,  
Publisher, *San Francisco Examiner*

court records) meant to readers "that Synanon fraudulently gave over half a million dollars to Charles Dederich for his personal use, illegally used charitable funds in order to arm itself and purchase lavish luxury items instead of using the funds for their intended charitable purposes."

UPI did not respond to the demand for a retraction.

When United States Supreme Court Justice William Rehnquist was reported by the *Los Angeles Times* as rejecting on December 28, 1980, a request by Synanon to "head off efforts by California Attorney General George Deukmejian to have a receiver appointed to take control of the organization's finances," Synanon's letter to the *Times* declared that this meant to readers "that Justice Rehnquist approved of a plan to place Synanon under receivership and that as a result of Justice Rehnquist's opinion, Synanon will be placed under receivership." The Synanon letter took no cognizance of the fact that the *Times* report also stated that Synanon "has the right to ask another Supreme Court Justice for a stay."

The *Times* did not respond to Synanon's demand for a retraction.

"Synanon is unrelenting in its campaign of legal intimidation," a midwest-

ern editor wrote the Council, enclosing a copy of another Synanon letter. He called it "unbridled vigilantism."

"Will they never stop?" a California attorney queried in a note to the Council accompanying a retraction demand.

Peter Hunt of Hunt and Hunt, a San Francisco law firm representing the Berkeley *Independent and Gazette*, the recipient of ten Synanon letters, tried a new approach. In October 1978, in response to a Synanon letter, he proposed that representatives of Synanon meet with representatives of the paper's editorial staff in an informal news conference, either at the paper's office or at Synanon. "Putting forth your observations as part of the news-gathering process could be more effective than recourse to the totally sterile and unilluminating operations of a correction," he wrote. The letter closed with the publisher's name and phone number. No response was received. "Now," Hunt said, "I routinely write 'See my letter of October 26, 1978' in all of my responses to Synanon letters, and I still have not gotten any response."

Ralph Craib of the *Chronicle*, who originally proposed the *Point Reyes Light* for the Pulitzer Prize competition, told the Council that he has attempted to talk with the Synanon people "many times over the past few years. You get nothing at all. You talk to a secretary, leave a number, and nothing happens. It's very frustrating. And they profess that they are an open, charitable organization."

Eight months after the Pulitzer Prize was awarded to the *Light*, the Mitchells were sued by Synanon. Named as a third defendant in the action was Richard Ofshe, instructor of sociology at the University of California in Berkeley, who assisted the Mitchells in their preparation of stories on Synanon.

This new suit, in which \$1.25 million in alleged damages is sought, did not involve the *Light's* extensive coverage of Synanon. That coverage brought no retraction-demand letters. Rather, the suit charged that Mr. Mitchell and Dr. Ofshe made several statements during a talk show on television station KQED in San Francisco that were "entirely false, malicious, inflammatory and unprivileged." Cathy Mitchell, also named as a defendant, was not alleged by the suit to have made any slanderous statements.

An AP report on the filing of the suit quoted Mr. Mitchell as saying "We're not worried in the slightest about Synanon being able to recover any damages." He said that everything discussed in the interview had been published before, and

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that "what we have published on Synanon is well documented."

One month later, on January 28, Synanon sent a retraction-demand letter to AP, with copies to four California papers. It should be noted that Synanon claimed in the letter that it "first obtained knowledge" of the AP report on January 8, indicating that it was within the twenty-day notification period prescribed by Section 48a.

Letters to other newspapers, their number unknown, followed with the same adherence to 48a. For example, one was sent to the *Chicago Sun-Times* on February 5, with Synanon declaring it received the *Sun-Times* story (presumably through a clipping) on January 18.

In the letter to AP, Synanon said that the quotes attributed to Mr. Mitchell meant to readers "that Synanon has abandoned its original charitable purposes and has deteriorated into a bizarre cult that has armed itself and has committed illegal acts and that these allegations are based on a reliable source."

In a Council interview at Point Reyes Station, a tiny community about an hour's drive north of San Francisco, Mr. Mitchell said that as a result of the suit "I kind of watch myself when I talk and don't express the kind of stuff I normally express. I try not to be loose in what I say under any circumstance, but it does have that, as they call it, 'chilling effect.' You're not quite as candid as you normally would be, and that's not good for the newspaper business."

Referring to the *Light's* coverage of Synanon, Mr. Mitchell said "There's something else to be considered. It's a hell of a lot easier for Cathy and me to be gutsy. This paper's worth \$125,000, maybe. It's not a lot to risk. What happens if you've got a guy who's in his sixties and he's worked at this thing all of his life. He says, 'My God, I'm going to retire in a couple of years. I don't want to take on anything that will jeopardize my entire retirement plans.' People get more and more conservative, not for political reasons, but trying to start all over again in your sixties is a whole lot different than trying to start over at our age." Mitchell is thirty-six; his wife thirty-five.

Cathy Mitchell said:

First of all, we got into it step by step. You just don't do it. When we first got into this, a man was badly beaten on Synanon property. It was possible that we'd be sued, but we decided that if we couldn't cover a beating in our paper then we didn't want to publish a newspaper. So we decided we'd cover it. And then, having made that decision, we had our lawyer read the libel insurance.

David Mitchell added:

You're just not going to feel right about being in the newspaper business seeing news that you recognize as real news and being afraid to cover it because you're afraid you're going to get sued. If you think that way, you don't belong in the business.

Michael Dorais, general counsel for the California Newspaper Publishers Association, in commenting on the suit, said he felt the Mitchells and Dr. Ofshe "are on a kamikaze mission. They get some personal satisfaction for having done something significant, but get busted in the process."

Mr. Dorais said that it seems that the Mitchells and Dr. Ofshe are getting *pro bono* legal assistance arranged for by the Reporters Committee for Freedom of the Press and that the defendants are protected under California Evidence Code Section 1070 from identifying confidential sources and from supplying unpub-

### 'The Synanon suits do have a chilling effect'

David Mitchell,  
Co-publisher, *Point Reyes Light*

lished information.

Mr. Dorais said that the CNPA "doesn't help anybody legally. Our philosophy has always been that you are responsible for your own backyard, whether it's in an open meeting violation, an open record violation, or a libel suit. Particularly a libel suit. If you go up on appeal, and there's liable to be some precedent set which will affect all of us, then we come in as a friend of the court brief. From a practical standpoint, that doesn't help anybody else . . . That means that they're on their own cash, their mortgages, and what have you, up until the appellate level. And then all they get is someone with an arm around their shoulder. They don't get any money in their pocket. With the cost of legal protection what it is, if they [Synanon] wanted to pursue the Mitchells, or anybody else, they could put them under."

Mr. Dorais said that some people think Synanon is through. "I'm not sure that's true. I think they may be a very viable organization still. His [Dederich's] daughter apparently has a reasonable set of brains. There must be some other people up there in the hierarchy who aren't going to let a multi-million dollar operation like that go under. There must be other people up there who want to keep it going because it was doing

some good, who want to recapture its original purpose, which was helping addicts, junkies. I think it's too big and too strong just to say, well, they're out of it, they've been destroyed."

Asked about the "Retraction Project," Mr. Dorais said, "If nobody hits them hard, financially, with a suit, I have the impression that they will continue to use this group of lawyers who, as I understand it, are Synanon members, just to continue to slap people around and scare them. They [the letters] are frightening to that extent."

It is possible, Mr. Dorais said, that the letters will "cause people to draw in their horns. It would change the reporting of information in this country if UPI got hit with a big suit, UPI and the people who publish their material."

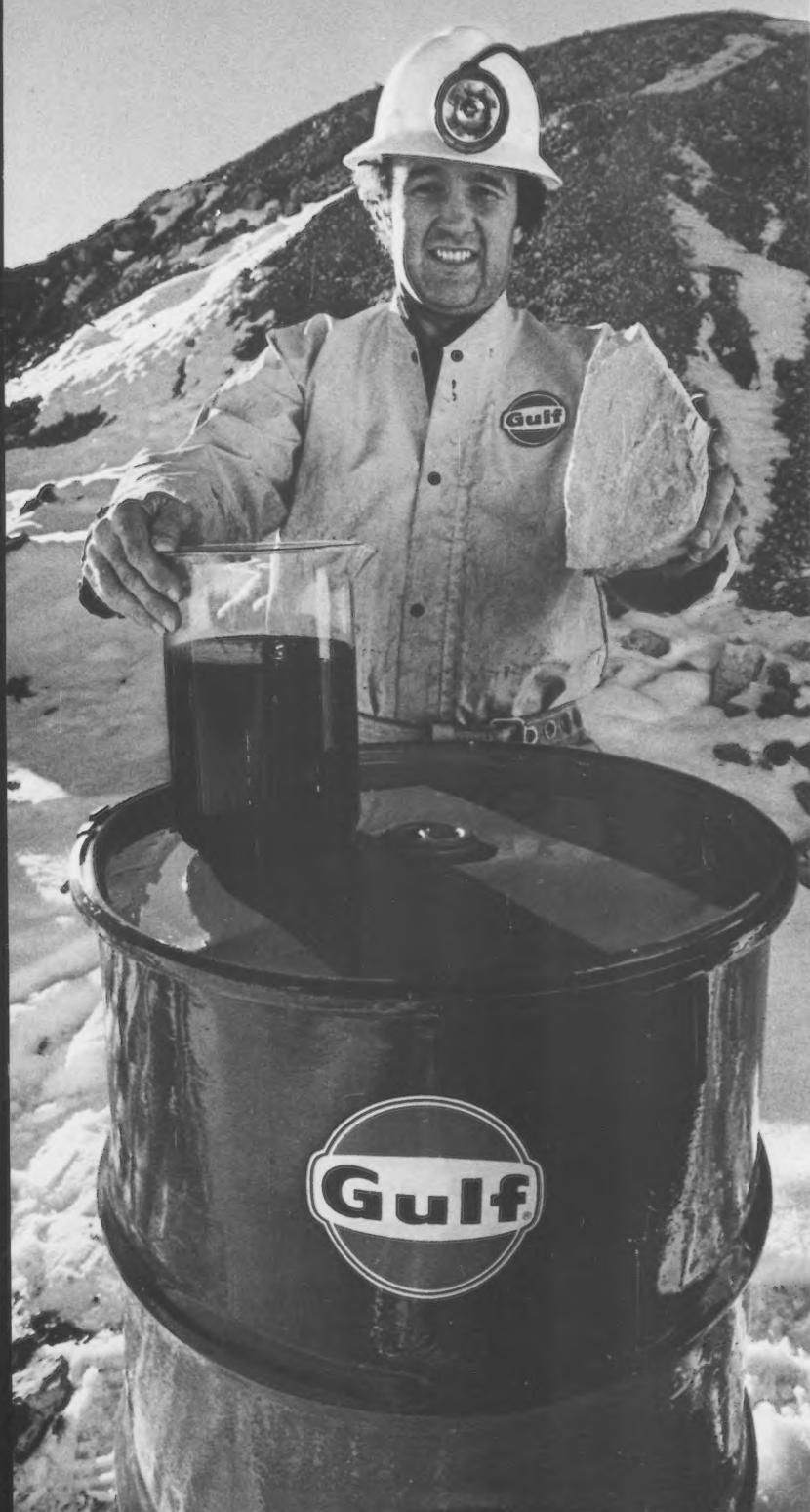
"I haven't seen anything UPI has run which I think is particularly libelous, considering *New York Times v. Sullivan* and extensions thereof, and all sorts of public interest stories that have been published."

Charles Just, deputy attorney general of California, said that it is his belief that Synanon is "being hurt financially because of all of these lawsuits, and the resulting publicity. These things dry up not only their funds, and donations, but apparently their membership as well."

Mr. Just said that the attorney general's office has amassed stacks of material in its own investigation of Synanon, including about 600 tapes, files, and records subpoenaed from Time, Inc. This material had been obtained by the company from Synanon during the litigation of Synanon's now dismissed suit against Time, Inc. Among material obtained by a special criminal investigative unit set up in the attorney general's office is a report compiled by a number of former Synanon members detailing alleged acts of violence by Synanon. Mr. Just said that his office is engaged in the "monumental job" of computerizing this material, after which "we will determine if further action on our part is called for, either in the civil or criminal areas."

**Council action:** The fact that Synanon, by its own admission, is engaged in a sweeping campaign seeking retraction of news reports which it deems unfair to its reputation and conduct has been confirmed through the Council's investigation. The Council's investigation also has confirmed that Synanon's "Retraction Project" has resulted in creating an atmosphere of apprehension among many of the nation's news executives and reporters because of the flood of retraction-

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demand letters and the public record of litigation.

It is clear that Synanon is using a law presumably passed to protect publishers and broadcasters—Section 48a of the California Civil Code—as a weapon for coercing the press into silence about Synanon and its affairs. It is also clear that, as a result of this legal harassment, many editors and news directors, especially those associated with small news organizations of limited resources, are refraining from publishing or broadcasting news they deem legitimate affecting Synanon.

Much as the Council may deplore this result, it is obliged to recognize that First Amendment and other legal rights are at issue on both sides of this controversy. Unquestionably, Synanon is acting in conformity with the law in sending out its demands for retraction, whether or not it has any serious intent of following up with libel suits if no retraction is forthcoming. Yet the practical effect of its policy is to cut off the free flow of information in many places—a condition in which the ultimate victims will be the public and truth itself.

What is the right response of editors and broadcasters who believe the letters' sole purpose is intimidation? The history of press freedom makes it plain that there is no substitute for courage in such

**'The press must have the courage to stand up for its freedom'**

cases. The Council recognizes the genuineness of the pocketbook worries that operate in enterprises without legal staffs or substantial treasures—the fear that combating even a frivolous claim may entail prohibitive cost. But the record in this case indicates that disaster has not befallen those who refused to surrender to harassment, who fulfilled their journalistic obligation to disseminate news they considered of public interest about Synanon. The Council notes particularly the tack taken by the *Berkeley Independent and Gazette*, a newspaper of 50,000 circulation. It has received ten retraction letters from Synanon, to which it routinely replies by inviting the organization to come out from behind its self-erected secrecy shield and to join with the paper's staff in a news-oriented meeting for a full exploration of Synanon's views and activities. Not once has Synanon taken up this invitation.

The Council's investigation leaves no room for doubt that the public in many areas is getting less news about Synanon than it otherwise would because of the chilling effect on editors of the organization's suit-threatening campaign. To the extent that this deplorable condition is invited by the requirements of a law that publishers in California and several other states helped to lobby through as a safeguard against just such misuse of libel litigation, a partial remedy may lie in legislative reconsideration of the law's merit. The more basic answer must lie in the press having the courage to stand up for its freedom.

**Concurring:** Brady, Cooney, Ghiglione, Huston, Isaacs, Lawson, McKay, Miller, Otwell, Pulitzer, Roberts, and Rusher.

## New members on Council

The Council has elected three new members:

- Elie Abel, Harry and Norman Chandler Professor of Journalism at Stanford University; American member of the UNESCO Commission; former Columbia dean; long-time *New York Times* and NBC News correspondent.
- Lucy Wilson Benson, corporate consultant; former Assistant Secretary of State; former president, the League of Women Voters; member of the task force that recommended formation of the News Council.
- Jeffrey Bell, who was the Republican candidate for the U.S. Senate in New Jersey in 1978; until March 1980, president of the International Center for Economic Policy Studies; on the board of the American Conservative Union, Washington; now writing a book on democratic processes.

## Statement concerning 'Abscam' leaks

The leaking to newspapers and broadcast organizations of detailed information about illegal payments allegedly accepted by members of Congress has raised anew concern about the damage that can be done to individual reputations by prejudicial publicity based on information from unidentified sources. The dangers

and dilemmas surrounding publication of such material have long been recognized inside and outside journalism. Questions on these points have never been satisfactorily resolved, as everything about the present case underscores.

It is clear that irreparable damage can be done to individual and institutional reputations through the saturation spread of discriminatory data for which no one stands accountable, especially when the processes of justice have not even progressed to the point of impaneling grand juries, much less passing on guilt or innocence.

In any period stories of this kind about people, whether prominent or obscure, can trample on the Sixth Amendment rights to a fair trial of those allegedly implicated. For lawmakers, who must stand before the voters, another dimension of potential damage operates with special force when such charges are disseminated in an election year.

Whatever the ultimate disposition of the allegations, the legislators' re-election chances are gravely impaired. The flood tide of publicity inflicts hurt that is often ineradicable, even when acquittal is the end result. In the "Abscam" cases the damage is made greater by the likelihood that some of the cases will not have come to trial and been decided before Election Day. Indeed, it is by no means certain that indictments will have been returned or decisions made on whether ever to press formal charges of wrongdoing.

On the other side of the balance sheet is the disservice the press would unquestionably have done to the political process if it elected to withhold from the public information of such seriousness bearing on the integrity of high-ranking congressional officials—information which editors and reporters had reason to consider authentic, even though the sources could not be publicly disclosed. Implicit in decisions of this kind, of course, is the existence within each news organization of a chain of responsibility adequate to assess the trustworthiness of the confidential sources. A related question is the degree to which the leak may be calculated to serve ulterior purposes of the informer or others unknown even to the reporters or editors. Inquiry into motives is always a beartrap; even assuming these can be determined accurately, is it appropriate for editors to rule out information they consider of public importance because they suspect their sources may be seeking to use the media as vehicles of political spite or character annihilation?

In the "Abscam" case, it may be that those who leaked the information were afraid that the whole mess would be covered up by superiors in the justice department or the White House unless the scandal they had uncovered (and for which they had concocted a setting) received so much publicity that official action could not be avoided. Yet, again, these sources may have been aware that elements in the press—whether through

**'The legislators' re-election chances are gravely impaired by the Abscam leaks'**

journalistic enterprise or deliberate plants—had enough of the story to put the government's entire case in jeopardy if any of it was published before the authorities had time to complete their collection of evidence. The seeming result was that officials in possession of details of the investigation made themselves intermediaries in fixing what amounted to a coordinated release time that caused three newspapers and two television networks to move simultaneously in the story's first dissemination. That clandestine go-ahead signal coincided with the government's initial notice to congressmen that they were targets.

One network had so much of a head-start in rounding up information on the investigation that its camera crews established a stakeout weeks before the denouement outside the Washington house used by the FBI as a base of operations; even the process of officially informing Congress members that they were under investigation was put on videotape at the very instant the suspects were getting their first personal notice.

Competitive considerations exerted pressures that seemed to produce a lowest common denominator of judgment on the ethics of using names in advance of any criminal process. Thus, NBC omitted names from its first "Abscam" broadcast, but introduced them in its next after the first edition of *The New York Times* had appeared with the congressmen identified. Editors argued with considerable logic that printing news of the scandal without specific identification of those allegedly involved would touch off a nationwide guessing game that would unfairly besmirch the entire Congress.

It is easy, of course, to dodge the whole issue of journalistic responsibility by noting that the basic ethical breach was by

law-enforcement officials who allowed the material to leak in violation of any concept of due process with respect to those under investigation. The American Bar Association, in promulgating its 1978 standards for safeguarding fair trial and free press, wisely put upon judges and law-enforcement officials the duty for directing court personnel and others engaged in the administration of criminal justice not to release specific information that might be prejudicial in its impact on fairness of trial for accused persons. The bar specifically ruled out any idea that the press could or should be enjoined from publishing any material in its possession, even if court officers had given it out in the face of a judicial directive, so long as the material was not obtained by theft, bribery, or other illegal means.

By the same yardstick, editors and writers were under no legal restraint against using whatever information they had in their possession about the "Abscam" investigation, however defiant of elementary justice it may have been for their sources to have made the material available to the press. But recognition of that freedom does not erase questions about the ethical propriety of "indictment by press" in a campaign year—questions compounded by the mystery that surrounds the choice of targets as well as the selective flow of information that has poured out of some seemingly unstemmable underground in or linked to the FBI. The possibility is evident that through use of such methods an executive or legislative agency with investigative powers can convert the press into an instrument for discrediting any target.

Nearly a quarter-century ago many inside the media felt obliged to scrutinize their own concepts of news when the late Senator Joseph R. McCarthy of Wisconsin made it a practice to appear at Senate hearings brandishing lists of alleged Communists in government and the military. In the end there was considerable agreement that restraint should be exercised in publishing, without some effort at independent verification or response, charges that could blacken individual reputations.

If there was acceptance then of the idea that accusations publicly made by a United States senator at a formal hearing did not automatically acquire a degree of verisimilitude, is there not more need for restraint in instances where no accuser stands forth publicly and no start toward due process has been made? In such circumstances can the press shrug off the danger that it may be open to ma-

nipulation by informants advancing external political purposes of their own? In this instance the news organizations that were first with the story argue that they carefully checked the validity of their information and adhered to sound journalistic principles throughout. What remains troublesome is the absence of clarity on what these principles are.

It is interesting that, just last year, in the awarding of Pulitzer Prizes for investigative journalism and public service, some of newspaperdom's most respected elder statesmen refused to concur in the judges' recommendations for awards because of reservations about the use by news organizations and news gatherers of techniques associated with "sting" operations that bore a surface resemblance to those used by the FBI in the "Abscam" and related operations. Actually, the parallel is decidedly inexact because no element of enticement entered into the journalistic "sting." Those in search of illegal payments took the initiative in demanding bribes from an establishment they had every reason to believe was a conventional bar and grill operating on a regular business basis. There is, however, an element of irony—indicative of the confusion enveloping this area of journalistic ethics—that publications whose editors

**'Inquiry into a source's motives is always a beartrap'**

questioned the propriety of such techniques when used by investigative reporters apparently had fewer qualms when it came to the FBI "sting."

The dangers and dilemmas for journalism could be extended at great length. The National News Council does not pretend it has either the information or wisdom with which to catalogue them, let alone evaluate or prescribe in so tangled a field. It is convinced, however, that the debate over the role of the media in this affair is so intense and the divergence of views within and without the profession so ramified that a failure by journalists to attempt to assess and resolve their differences can only invite further pressure for external controls of a kind the press rightly abhors.

For that reason the Council, as a body dedicated to the concept of a free and responsible press, proposes to explore the feasibility of arranging swiftly a calling together of thoughtful analysts drawn from both press and public to grapple

with the issues raised by this episode and to explore principles that might serve in such cases as a basis for greater self-restraint and heightened professionalism.

**Concurring:** Cooney, Ghiglione, Huston, Lawson, McKay, Otwell, Pulitzer, and Roberts.

**Dissenting:** Brady, Miller, and Rusher.

**Abstaining:** Isaacs.

**Dissenting opinion by Mr. Miller (Mr. Brady concurring):** It seems to me the Council is trying to define what kinds of leaks should be leaked to the press. I am in favor of leaks to the press. I think they are a great public service. I think the press must accept the responsibility for evaluating the leaks and the motives of the sources.

**Dissenting opinion by Mr. Rusher:** Once again the Council has preceded a basically unobjectionable proposal (in this case for a study of the journalistic issue raised by the "Abscam" leaks) with a long and rambling disquisition which goes at unnecessary lengths into various bypaths and in at least one case into pure fantasy. (I am not aware that the late Senator Joseph McCarthy "made it a practice to appear at Senate hearings brandishing lists of alleged Communists in government and the military.")

A study of the problem, however, would be useful, as I stated in a recent column:

Here is a classic example of the fundamental vice of basing news stories on anonymous sources. The likeliest source of the information, of course, is some Deep Throat in the justice department or the FBI. It is appalling to think that somebody in one or the other is

"Can the press  
shrub off  
the danger  
of possible manipulation  
by informants?"

so indifferent to the rights of the accused under our system as to broadcast such charges against hitherto respected public officials weeks or months before they are even indicted.

But we cannot even be sure that the names were leaked by a law-enforcement official. What if political enemies of those men discovered that they were to be indicted and deliberately jumped the gun, simply to injure them further? It is even possible—so prejudicial has all this publicity been to their hope of a fair trial—that the leaks came from one or more of the accused politicians themselves, in a desperate effort to derail the prosecution by disclosing the investigation prematurely.

We will probably never know which (if any) of these speculations is valid, because

the reporters will stoutly refuse to identify their informants. And since it is quite possible that at least some of those named in the press won't even be indicted, it may be that they will see their careers destroyed because they were identified publicly, as among those involved, on the basis of information supplied by anonymous informants whose motives we shall never know.

## Statement on CIA use of journalists

The National News Council is deeply disturbed by the official disclosure that the Central Intelligence Agency has repudiated its commitment to prohibit use of journalists affiliated with American news organizations in any of its espionage or intelligence activities.

Assurance that no news personnel employed by American press agencies, newspapers, broadcasters, or other media groups would be hired by the CIA for any purpose was first given to a delegation from this Council by George Bush, then director of Central Intelligence, at a meeting in CIA headquarters on June 24, 1976.

A policy directive issued on November 30, 1977, by the current CIA director, Admiral Stansfield Turner, made this assurance formal by declaring that the CIA would not enter into any relationship with journalists "for the purpose of conducting any intelligence activities." The same directive forbade the agency from using "the name or facilities of any U.S. news media organization to provide cover" for its agents or actions.

Now, in testimony before the Senate Select Committee on Intelligence, Admiral Turner has disclosed the authorization since 1977 of what he terms a "very limited" number of waivers breaching the general ban that supposedly rules out employment of journalists among others. Admiral Turner has declined to specify publicly how many, if any, of these waivers have directly affected the press and the CIA has asserted in a subsequent "clarification" of his testimony that none of the waivers were actually used. But the Carter administration has joined the CIA in resisting inclusion in a new congressional charter for the intelligence agency of a statutory ban embodying the prohibition now theoretically in effect by administrative order.

The National News Council has always recognized this country's need for an effective Central Intelligence Agency. But that need must not be met through practices that make inescapable a destruction of public confidence in the integrity of the press as an independent instrument of public information free from governmental manipulation. A revival of the possibility that the CIA is using journalists as gatherers of intelligence or purveyors of propaganda would not only expose all reporters in many parts of the world to personal peril but also would undermine the credibility of news in ways subversive of democracy. The CIA was right to recognize that danger in its policy directive, but it has shown itself a slack guardian in a field where no slightest deviation from strict separation of journalism and intelligence functions is thinkable. The Council urges Congress to write an unequivocal prohibition into the law establishing a projected charter for the CIA.

**Concurring:** Ghiglione, Huston, Lawson, McKay, Otwell, and Pulitzer.

**Dissenting:** Brady, Isaacs, Miller, and Rusher.

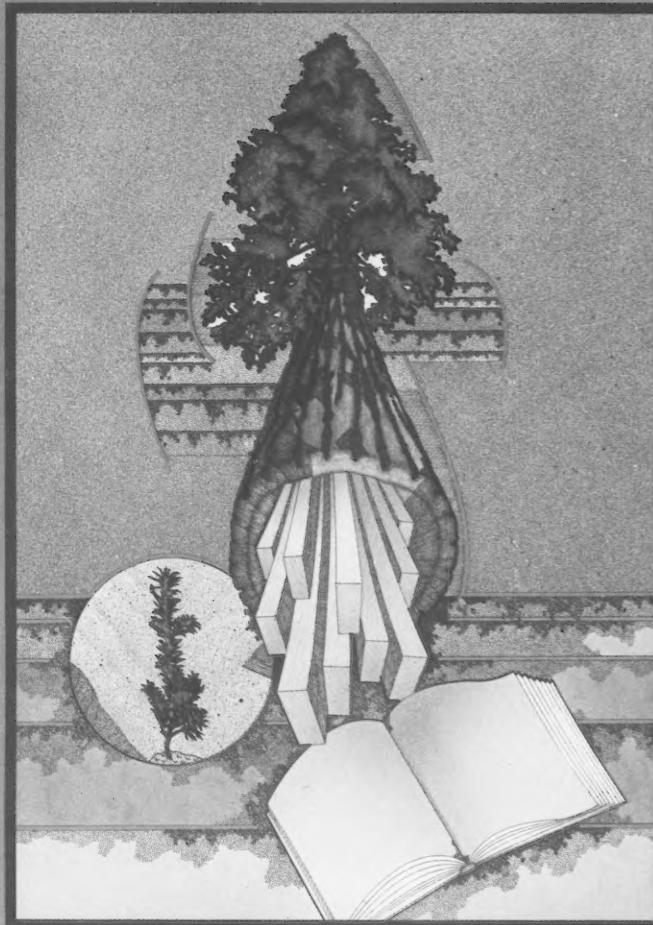
**Abstaining:** Cooney and Roberts.

**Dissenting opinion by Mr. Miller (Mr. Isaacs concurring):** I do not want to encourage the CIA to recruit reporters or encourage reporters to be recruited by the CIA. But I am opposed to extending any invitation to any legislative body to enact any legislation affecting the press.

**Dissenting opinion by Mr. Rusher (Mr. Brady concurring):** I dissent. My reasons are the same as those given June 31, 1978, when the Council last discussed the CIA. I quote:

The past deeds and/or misdeeds of the CIA are irrelevant here. If it has transgressed, it ought of course to be corrected. The principle question before us is whether the dissemination of false information is an impermissible activity *per se* for an agency of the United States government. The argument that it is rests on the contention that America is obliged by its own principles to forswear such activities, regardless of any possible deleterious consequences of doing so. The argument to the contrary rests upon the proposition, to which I adhere, that until and unless this country can persuade the rest of the world to subscribe to its principles, it cannot possibly afford to commit itself to their blind observance abroad in all cases whatsoever. In many desperate situations around the world, freedom, and even life itself, daily depend upon opposing foreign tyrants by means not permissible here at home.

It takes  
a long time to grow  
a 2x4.



The wood and paper products we use every day are so commonplace it's easy to forget how long it took to make them.

But the fact is, the paper you're looking at right now could have come from a tree that took seed when Herbert Hoover was president.

Which means the paper your children will be looking at 50 years from now could well come from trees that get their start today.

That's why we'll plant five seedlings today for every tree we harvest, and why we'll feed and thin and protect them until they've come of age.

As a company that makes and markets wood and paper products, our future depends on those seedlings. They're our life's blood, and we aim to live a long time.

We aim to supply your kids with all the Boise Cascade wood and paper products they'll ever need...and their kids too, for that matter.

**Boise Cascade Corporation**   
A company worth looking at.

# The diamond solitaire.



## A rare gift.

One single diamond.  
Set simply and elegantly, to sparkle on its own.  
The diamond solitaire.  
A jewel that becomes more precious with  
every passing year.  
The gift that makes a rare and beautiful  
moment last a lifetime.  
A diamond is forever.

The 1 1/4 carat diamond shown is enlarged for detail. DeBeers.

# The Lower case

## Winter storm invades area



The (New Orleans)  
States-Item 1/31/80

### Cooper feels secretaries more than clerks

Fort Collins Coloradoan 2/24/80

Despite his gains in Massachusetts and New York, he is undoubtedly finished.

James Reston, *The New York Times* 3/26/80  
(First edition following the New York primary)

Despite his gains in Massachusetts, Connecticut and New York, his overall problem remains.

James Reston, *The New York Times* 3/26/80  
(second edition following the New York primary)

### Americans To Be 20% Black, Hispanic

Albuquerque Journal 1/7/80

### 5 Feet 1, 210 Pounds: Too Fat for Her Job?

The New York Times 3/16/80

### Power Outrage Hits

Silver City (N.M.) Daily Press 12/22/79

He was accused of using chains and other treats to get work out of Mexican aliens, who were in the United States illegally.

Baton Rouge, La. *State-Times* 1/30/80

### Mush from the wimp

Certainly it is in the self-interest of all Americans to impose upon themselves the kind of economic self-discipline that President Carter urged repeatedly yesterday in his sober speech to the nation. As the President said, inflation, now running at record rates, is a cruel tax, one that falls most harshly upon those least able to bear the burden.

*The Boston Globe* 3/15/80 (first edition)

### All Utah Condemned To Face Firing Squad

*The Washington Post* 3/9/80

### All must share the burden

Certainly it is in the self-interest of all Americans to impose upon themselves the kind of economic self-discipline that President Carter urged repeatedly yesterday in his sober speech to the nation. As the President said, inflation, now running at record rates, is a cruel tax, one that falls most harshly upon those least able to bear the burden.

*The Boston Globe* 3/15/80 (second edition)

### Tiresome Families Still Wait

*The Daily Progress*  
(Charlottesville, Va.) 3/8/80

Harry and Ronnie Bennett inseminate their cows themselves, having both attended a three-day school to learn the technique.

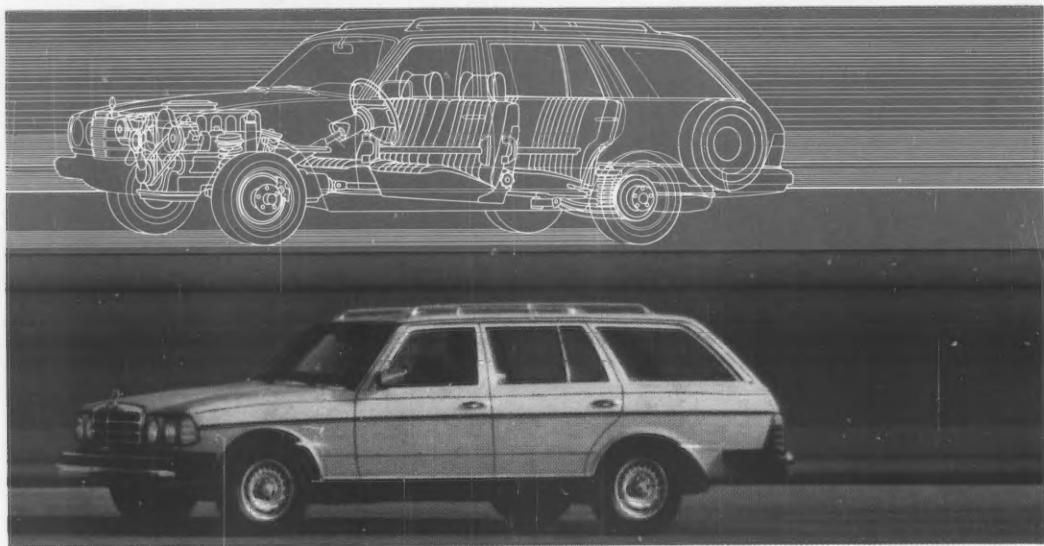
*Covington Virginian* 1/24/80

### Warranty aids home owners with defects

Knoxville (Tenn.) *News-Sentinel* 3/18/80

The deferral motion was made by Sen. Daniel W. Bird Jr., D-Wythe, who echoed Bradshaw's questioning of the costs of expansion.

*Richmond Times-Dispatch* 2/28/80



## Mercedes-Benz didn't invent the station wagon—they just raised it up to Mercedes-Benz standards.

*Mercedes-Benz waited 94 years to build a station wagon—and then built one like none before...“it is not only the best wagon we've tested,” says Car and Driver, “it ranks right up there as one of the all-time best cars in our experience.”*

For instance, heavy loads cause the rear suspension to automatically adjust itself and keep the vehicle riding level. Part of the interior converts into a cargo hold almost 10 feet long. And one critic quips, “The only way to shake something loose would be to drive it off a cliff.”

### *Grins of disbelief*

With 50.8 percent of its weight over the front axle and 49.2 percent over the rear, the 300 TD is almost perfectly balanced. It flattens curves with a fully independent suspension similar to the exotic 450 SL Roadster.

Euphoria results. “The TD begins to amaze, to bring on grins of disbelief, to entertain, when it's up to speed and moving on down the road,” *Car and Driver* reports.

And when it stops? *Car and Driver* found that it stopped “in

a phenomenally short distance”—bested only by a 160-mpg, \$36,000 European sports coupe.

### *A workhorse that sprints*

If any automobile engine is indestructible it is the workhorse Diesel. The 300 TD's Diesel engine is a responsive, 5-cylinder powerplant—beneficiary of a 44-year Mercedes-Benz Diesel Research & Development program.

And the 300 TD is miserly with fuel, generating an EPA estimated [23] mpg.\* The EPA highway estimate is 28 mpg. Compare this to other cars. You may get different mileage, depending on speed, weather conditions, and trip length. Your actual highway mileage will probably be less than the highway estimates.

### *A wagon, Mercedes-Benz style*

From the driver's seat, the 300 TD gives no inkling that it is anything but a Mercedes-Benz automobile. Civilization reigns, from a comprehensive bi-level climate control system to electric window lifts to AM/FM stereo radio.

Face rearward and the 300 TD is a wagon—a remarkable wagon.

“It is simply one of our finest cars when it comes to the all-important accommodation and transportation of its load,” *Car and Driver* declares.

### *Why Mercedes-Benz owners are smiling*

To duplicate this engineering and workmanship would require that you have a station wagon custom built. This may help put the 300 TD's \$28,056\*\* price in perspective.

And because it is a Mercedes-Benz, it stands a fine chance of retaining much of its value over time. Mercedes-Benz owners today are finding that cars they bought 3 years ago are now worth 80 percent of their purchase price.

The 300 TD. It may haul cargo like a station wagon. Clearly, it does everything else like a Mercedes-Benz.



***Engineered like no other car in the world***

\*California estimates vary.

\*\*Suggested East Coast retail price. Taxes, license, destination charges, dealer preparation and optional equipment additional.

